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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 27, 2020, at 10 a.m.

## Senate

SATURDAY, OCTOBER 24, 2020

(Legislative day of Monday, October 19, 2020)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, You are our God. We can stay composed even in a storm because of Your presence. We need You and stay thirsty for You, for Your power and glory uplift us. Your steadfast love is our reason for being, and we will bless Your Name for as long as we live.

Lord, empower our Senators to run toward life's challenges and hardships, knowing that they are never alone. Satisfy their souls with good things and transform the mundane into the meaningful. Draw them close to You as You purify their hearts and provide them with a spirit of hope.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask to speak for 1 minute as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### IOWA HARVEST SEASON

Mr. GRASSLEY. Across Iowa this weekend, farmers will be in their fields as they continue the 2020 harvest season. Iowa farmers have now harvested all but about 10 percent of our soybeans and 30 percent of our corn.

Because I am in Washington, DC, this weekend with the confirmation of Judge Barrett, I won't be able to give my social media followers my weekly update on the 2020 hashtag "CornWatch" or hashtag "SoybeanWatch" series from the Grassley farm. The purpose of this weekly series is to give people who have never stepped foot on a farm an idea of the complexities that go into planning, growing, and harvesting a bountiful crop.

Between COVID-19 supply chain disruptions, drought, and a derecho, the 86,000 Iowa farm families have faced one of the most challenging years in recent memory. Farmers are only 2 percent of the population, but they provide food, fuel, and fiber for the other 98 percent.

I want to send my best wishes to farmers and their families as we are nearing the final stretch of the harvest season.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### NOMINATION OF AMY CONEY BARRETT

Mr. MCCONNELL. Mr. President, yesterday, the Senate took the first step toward concluding our consideration of Judge Amy Coney Barrett's nomination to the Supreme Court. The judge is one of the most brilliant, admired, and impressive nominees for any public office in a generation. Tomorrow, we will vote on advancing her nomination toward final confirmation on Monday.

Our recent debates have been heated, but, curiously, talk of Judge Barrett's actual credentials or qualifications has hardly featured in it. The Democratic leader summarized his view yesterday: "It's not about qualifications"—his words.

Instead, our Democratic colleagues have tried to claim the Senate's process itself is not legitimate. These claims are supposed to lay groundwork for radical, institution-wrecking changes down the road.

But, of course, they are not true. We live in a constitutional Republic. The legitimacy of an outcome does not depend on the feelings it provokes in politicians. Let me say that again: The legitimacy of an outcome does not depend on the feelings it provokes in politicians. Legitimacy comes from precedence, rules, and, ultimately, the Constitution.

Let's restate a few facts for posterity. No. 1, there is no inconsistency between the Republican Senate's decision in 2016 and our decision to confirm Judge Barrett this year.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Here is what I said in my very first floor speech following the death of Justice Scalia: “The Senate has not filled a vacancy arising in an election year when there was divided government since 1888, almost 130 years ago”—not setting some new precedent, just stating a fact.

Fifteen times in American history, during a Presidential election year, new Supreme Court vacancies have arisen and Presidents have made nominations. Seven of those 15 times, voters had elected an opposite-party Senate to check and balance the sitting President. Not surprisingly, in those situations, only two of the seven were confirmed, and none since 1888. The other eight times, the same party controlled the Senate and the White House. Seven of those eight were confirmed—all but one. The one exception unraveled in a scandal.

We followed precedent in 2016, and we are following precedent this week.

No. 2, it has been claimed that Chairman GRAHAM broke the rules by reporting out Judge Barrett’s nomination—not so. As the Parliamentarian confirmed on Thursday, standing rule XXVI and Senate precedent are crystal clear. If a majority of a committee is physically present and votes in favor of a nomination, reporting it to the floor is a valid action, irrespective of what committee rules may say.

Chairman GRAHAM didn’t even violate the rules of his own committee. Past chairmen of both parties have done precisely what Chairman GRAHAM did on Thursday morning. In 2014, for one example, Chairman LEAHY and the committee’s Democratic majority voted multiple Federal judges to the floor without two members of the minority present—just a few years ago. Nothing remotely unprecedented took place—not in committee, not on the floor.

No. 3, timing. Some colleagues kept repeating the absurd claim that this is the most rushed confirmation process in history. Well, that is flatout false. From the announcement of the nomination to the start of hearings, eight Supreme Court nominations in the last 60 years moved more quickly than this one. Eight in the last 60 years moved more quickly than this one. Then, from the end of the hearing to the committee vote, half of all confirmations since 1916 actually moved faster than this one.

Justice John Paul Stevens was confirmed in 19 days, from start to finish; Justice Sandra Day O’Connor, in about 4 weeks. In the past, Justices have been confirmed in 1 week; some in 1 day. There is no argument that Judge Barrett’s nomination has moved at a breakneck pace. Facts are facts.

No. 4, contrary to what has been claimed, the Senate has absolutely confirmed Supreme Court nominees later in Presidential election years than this one. Multiple Justices were confirmed after elections had already happened. We have had multiple Su-

preme Court Justices confirmed in December of election years. Senates have even confirmed nominees for lameduck Presidents who just lost. That is another nonissue.

All of these false claims embarrass those who repeat them, but the most important point is this: In this country, legitimacy does not flow from the whims of politicians. Legitimacy does not depend on which political party makes that decision. Legitimacy comes from traditions, rules, and the Constitution.

Our Democratic colleagues have spent months obsessively demanding that our President repeatedly acknowledge that the election will be legitimate even if he loses. But here in the Senate, with this confirmation process, Democrats are flunking their own test. Let me say that again. Democrats want President Trump to keep repeating that the election will be legitimate regardless of whether he wins, but here in the Senate, the very same people are saying our vote on Monday will only be valid if they like the outcome.

Our Republic cannot abide any political faction making “illegitimate” a sloppy synonym for “we are not happy.” Of course, they are not happy. That doesn’t make anything about this illegitimate.

That kind of recklessness leads down a road that none of us should want to travel. That is why I keep correcting the record, even though it might seem silly. After all, if Republicans have the votes, why not ignore our colleagues and their statements and move on? I have chosen not to do that. It remains our duty to separate right from wrong, fact from fiction, for the good of the Senate and for our country.

Judge Barrett’s confirmation process has followed every rule. It has followed the Constitution in every respect. We have abided by the norms and traditions dictated by our history, and we are going to vote tomorrow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, I just heard the Republican leader say there is no inconsistency between what the Republicans are doing now with Amy Coney Barrett’s nomination and what they did with Merrick Garland in 2016. Who would believe that? The contradiction is glaring. The contradiction will be a stain on the leader’s forehead and on the entire Republican caucus if it continues.

We just heard another warped, distorted, and convoluted history lesson from Leader MCCONNELL. We know how defensive he is about the blatant, 180-

degree, hypocritical turn he has made on Supreme Court nominations, but a distorted, warped history lesson will not remove the stain.

Only one thing will, Leader MCCONNELL: Withdraw the nomination of Amy Coney Barrett until after the election, plain and simple.

Now we meet here in a rare Saturday session because there is nothing—nothing—remotely normal about the Republicans’ drive to confirm Judge Barrett to the Supreme Court only days before a Presidential election.

Four years ago, the entire Republican Senate said it was a principle—that was their word, “principle”—that Supreme Court Justices should not be confirmed in Presidential election years. Leader MCCONNELL said: “The American people [deserve a choice] in the selection of their next Supreme Court Justice.” That is the principle they insisted the Senate must follow, and they declared that this principle bound the Senate not to consider the nomination of Judge Garland even though it was 8 months before the Presidential election of 2016.

Well, here we are today, just a few days from another Presidential election. More than 50 million Americans have already voted, and that number will only increase between today and Monday—the date of Judge Barrett’s confirmation vote. Americans are waiting in line now, patiently, at early voting locations around the country, to cast their ballots in Arizona and North Carolina, in Maine and Colorado, in Iowa and Kansas, in Georgia, Alaska, and Kentucky, in 26 States where early voting centers are open and in another 15 States where early votes can be dropped off at election offices.

In my home State of New York, where today marks the first day of early voting, it may look a little different this year. The lines are longer, not just because of enthusiasm but also because they are more socially distant. Everyone should be wearing a mask. But as we speak, millions of Americans are using their voices to say who they want to have select Supreme Court Justices.

At the same time, when the Republican majority in the Senate is ramming through the lifetime appointment of a Justice who will make hugely impactful decisions about their lives and freedom, Leader MCCONNELL has the temerity to say there is no contradiction between Merrick Garland and how they treated him and Amy Coney Barrett and how they are treating her. Give me a break. Our colleagues are saying to the American people: You get no say. You get no choice.

Four years ago, when a Democratic President nominated a Justice, the Republicans professed to care about giving the American people a voice—not so now, not when a Republican-nominated Justice is on the line, not when their own political power is at stake.

What became of that high-minded principle the Republican Senators embraced so fervently in somber tones? Just 4 years ago, Leader MCCONNELL and they told the Nation that the Senate must heed the voices of the American people when they vote. Where on Earth did that principle go? What principles govern their current mad rush to confirm another Trump Justice 8 days before this Presidential election?

If this process has revealed anything, it is that the supposed Republican principle was a farce—no principle at all and never was. It was a naked, opportunistic, transparent, cynical, last-ditch grab for power. Of course, it is the continuation of their shameful, lockstep subservience to President Trump—the most unprincipled President in American history. This will go down as the most partisan, most hypocritical, and least legitimate Supreme Court nomination in our Nation's history.

Once again, Leader MCCONNELL, when you talk about history—a distorted, one-sided view, that is all you give—it doesn't erase what you have done. It stares the American people in the face. They know it. We know it. We all know it, and history will know it.

It is a very dark moment for the Senate, and I am ashamed that the Republicans are going along with this. This, again, will be the most partisan, most hypocritical, and least legitimate Supreme Court confirmation in our Nation's history.

UNANIMOUS CONSENT REQUEST—H.R. 925

Mr. President, now let's look at the status of our country. It is even less justified in light of that.

We had a record number of COVID infections yesterday. Let me repeat—a record number. Are Senate Republicans doing anything about that? No. This is not a regional crisis like before. These spikes are now widespread, across the whole country, putting all of our Nation at risk. In fact, in per capita terms, I believe North and South Dakota have the highest in the Nation. I read this morning that beds are running out, and we are not doing a thing.

In the past month, there has been a 35-percent increase in the number of Americans hospitalized with COVID. COVID is now the third leading cause of death in the United States. In countries like Germany and Japan and Australia, COVID isn't close to being in the top 10. Experts like Dr. Fauci are predicting, unfortunately, or projecting that we could hit 400,000 American deaths this year and that the darkest and worst days of this pandemic, unfortunately, are ahead of us, not behind us.

The next huge wave of this pandemic is not looming; it is here. We cannot afford to wait, but are the Republicans doing anything about it? No. There are tens of millions of Americans out of work, and businesses are failing every day. Are Senate Republicans doing anything about that? No. There are foreign powers, particularly Russia, try-

ing to undermine our elections. Are the Republicans doing anything about that? No. They are too focused on implementing their deeply unpopular agenda through the courts because they know they could never get it through the Senate. Most of them wouldn't even vote for it.

Today, we are going to give the Republican majority in the Senate the opportunity to consider critical legislation that has, so far, languished in Leader MCCONNELL's legislative graveyard. Many bills that are just sitting here, awaiting action, that were passed in the House—many with bipartisan support—are waiting for Senate action. We should be doing that, not rushing through this nomination while people are voting and wanting their choices to be listened to, not the Republican Senate's choice.

So we are going to start with comprehensive legislation that addresses the most serious problems facing America right now, the Heroes Act, which would deliver urgent and necessary relief to the Nation and to the people who are suffering. The Heroes Act would have a comprehensive regime for testing and tracing of \$75 billion—the money that is needed but that this administration never gave. In fact, there is \$9 billion sitting there from what we approved months ago in the CARES Act that they have not even given out yet, so incompetent are they.

I saw Donald Trump in the debate. He said: Oh, it will go away. He has been saying that since January. That is why people know he is an incompetent President during the most difficult of times. Yet he still says it.

We need that money. We need money to open up our schools safely and soundly. That takes extra money. The school districts can't afford it. We need ventilation, more buses, PPE, oftentimes more teachers, hotspots so that people can get Wi-Fi when they don't have it in their own homes, and so much more.

We need money to prevent people from being evicted from their houses. They have lost their jobs through no fault of their own, and they are getting kicked out either as a renter or as a mortgagor. The Heroes Act deals with that.

We need money to help our small businesses—and not just a few. The restaurants, stages and venues, broadcasters and newspapers, nonprofits and rural hospitals—all left out of the Republicans' proposal—are in the Heroes bill.

There is money for unemployment. The \$600 pandemic unemployment kept 10 million people out of poverty. It has pumped money into the economy as well as given people who are not wealthy at all an ability to get by. That is in the Heroes bill, and there is so much more.

There is money to make sure our elections are guarded and safe. There are provisions that allow for the census to be counted in a fair way.

All of that is in the Heroes bill. The American people so much want us to pass it, but Leader MCCONNELL will not even put it on the floor for a debate.

If Leader MCCONNELL and his Republican majority had an ounce of concern for average American families, they would halt this sham Supreme Court process and join us in taking up the critical pieces of legislation which my colleagues and I will be putting on the floor all afternoon. In each case, we are not asking the Senate to pass it; we are simply asking to debate it. We are asking them to overrule Leader MCCONNELL and put these bills on the floor and let there be a debate and let there be amendments. That is all we ask during the most desperate—desperate—of times.

All we ask is for the ability to debate something that really matters to the American people instead of rushing through a judge, a Supreme Court nominee, when the American people want the decision to be made by them, not by Republican Senators, not when her views on key issues only represent an extreme minority of the American people.

Mr. President, in order to proceed to the consideration of H.R. 925, Heroes 2, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. THUNE. Mr. President, reserving the right to object, the minority leader is requesting to move to legislation after having repeatedly, this week, requested and asked for votes to adjourn multiple times—leave town. Now, all of a sudden, he wants to legislate.

I think there is a serious question about the sincerity of the minority leader's request here. And, frankly, to his point, the U.S. Senate has now twice—and most recently this week, on Tuesday—Tuesday this week—voted on legislation that would do all the things that he says that he wants to do: Help people who are unemployed; we voted on a bill that had unemployment insurance for people who are unemployed. Help small businesses; we had a bipartisan agreement on the Paycheck Protection Program to provide assistance to small businesses, and that was blocked by the Democrats earlier this week. It had money in there, resources on a bipartisan, agreed-upon objective, and that is more money, more resources, for schools and universities to open safely—\$100 billion in there for schools to open safely. They blocked it. They objected.

It had money in there for farmers, something that is important to the Presiding Officer and to me as well. They blocked it.

It had money in there for the Postal Service, something that his side has been saying repeatedly we need to address. They blocked it. We had that vote this week.

We have taken up legislation exactly along the lines of what the Democratic

leader is asking for, and they have consistently blocked it.

And then to say: Well, let's adjourn; we have had multiple votes on adjourning. This isn't serious, and he knows it. This is all about politics. This is a bogus issue to detract the Senate from the work at hand, which is to confirm a well-qualified judge to the Supreme Court, who had a "well qualified" recommendation from the American Bar Association, which the Democratic leader in the past has said is the gold standard—the gold standard when it comes to processing and considering judicial nominations. So let's see this for what it is, call it out for what it is.

And the bill he is calling up, by the way, from the House of Representatives, if you look at all the stuff it has in it—and this is the all-or-nothing approach that they are advocating right now—tax cuts for Manhattan millionaires? They are always complaining about tax cuts for the rich. This is tax cuts for millionaires in New York and California. Blue State bailouts for his State of New York. Think about that. Is that really what the American people think we ought to be voting on right now when they are unemployed, small businesses need help?

And that is the other thing. The bill he is calling up—trying to call up right now has no assistance in there for the PPP program, the very program that everybody around the country has said has provided enormous assistance to small businesses, kept them in business, and there are other businesses who need that help. He talked about wanting to help businesses that are going out of business. Well, that bill that he is trying to call up right now doesn't include assistance for small businesses.

So, anyway, this is clearly an attempt to detract the Senate from the work at hand, which is to consider a very well-qualified nominee to the U.S. Supreme Court—one of the Senate's most important constitutional duties and responsibilities, and we intend to stay focused on that.

And if the leader is genuinely interested, he could let us get on the bill that we tried to call up earlier this week that deals with all the coronavirus relief issues that he mentioned earlier, all of which are bipartisan issues—every single one of them on that list. But that isn't what this is about. This is about politics.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. SCHUMER. Mr. President, just a few quick points.

No. 1, no one is—we are not talking about, and the American people are not about qualifications. We are talking about views on issues.

Do the American people want their healthcare taken away from them? Amy Coney Barrett has said that she disagrees with the decision to keep it.

Do the American people—do American women want the right to choose

taken away from them? Amy Coney Barrett, in the past, has said she would do that.

Do the American people want to make it even harder to form a union so they might get some good pay? Amy Coney Barrett. How about gun safety? She is to the right of Scalia.

The issue on Amy Coney Barrett is twofold, and nothing they say changes it. No. 1, her views on the issues are so far and so extreme that she does not represent even the views of the people in this body on the Republican side; and, No. 2, if they feel that the American people want her, let them vote and decide—the very same thing my friend from South Dakota and everyone else said with Merrick Garland. We know hypocrisy when we see it. We know contradictions when we see them.

And on the bill—yes, let's debate it. But their bill is inadequate on testing, inadequate on small business, inadequate on schools. We went to school administrators. No money for State and local governments, and I dare say to my friend from South Dakota, a police officer, a firefighter, someone who picks up the garbage or drives the buses needs help in South Dakota, if it is a red State, or New York, if it is a blue State. It is despicable, when the bill goes for all States, to say: "It is just for blue States." That is the kind of divisiveness that Donald Trump has created in this country. It is why so many people don't like him, and what our Republican colleagues, unfortunately, since he has become President, have followed through on.

Our bill is far more comprehensive. It deals with the needs. Very little money for testing, very little money for State and local governments, no money to help restaurants or stages or non-profits or rural hospitals, no money for hospitals, in general.

So the bottom line is very simple. Ours is a broad, comprehensive bill. Theirs is a narrow, skinny bill done to appease 20 Republican Senators who wanted no money—no money. And they won't even debate that either.

So I say to my good friend from South Dakota, and he is my friend, we have one view. The American people are for a \$2 trillion bill, a recent poll showed—60, 70 percent. They have a much narrower view, based on a hard-right philosophy.

Bring this bill to the floor, and let's debate it. It passed the House. It is the only thing that has a chance of getting done, and if you want to make amendments to cut back on the money and help we need, we welcome that debate, but don't just block something that has a real chance of becoming law as opposed to the farcical exercise they engaged in on Tuesday on a totally partisan bill that got not a single Democratic vote. Let's have a debate.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. THUNE. Mr. President, if I could just make one quick observation here,

first off, the funding that was provided in the Republican bill wasn't inconsequential. It was \$650 billion.

And to the Democratic leader's point about the people in this country want what is now a \$2.4 trillion bill—boy, I can tell you, I haven't seen that anywhere, and maybe there is some polling out there that indicates that. But I think if you ask the question: Would you want to spend \$2.4 trillion dollars if you knew you were borrowing it from your children and grandchildren, you might get a different answer.

And the truth of the matter is, we have gone \$3.5 trillion—all borrowed money, all added to the debt—already to address coronavirus relief.

That being said, we did bring a bill up that was another \$650 billion, and the Democrats blocked it. Why? Because it didn't spend enough, and they didn't think it spent enough on the things that they thought it ought to spend money on.

Well, if that is the debate, let's get on our bill. Let's start at the \$650 billion base level, and they can offer amendments to increase funding.

By the way, we did have funding in there for testing and vaccines—significant amounts of money negotiated by LAMAR ALEXANDER, the chairman of the Health, Education, Labor, and Pensions Committee. But if that is what they want to do, then let's start there, and then they can have an opportunity to debate it and offer amendments, but they have blocked even getting on the bill—not the bill itself, even debating it.

So when he says: We want to have a debate, we could have had a debate. All they had to do was let us get on the bill, and then we could be offering up and debating and discussing these various amendments that they want to offer.

But I would argue that all the things that our bill includes are things that are important to the American people. It was a targeted bill. It was a fiscally responsible bill. And, yes, it got 52 out of 53 Republicans to vote for it—not a single Democrat. Why? Because the Democrats have an all-or-nothing approach, and they want to hold this process hostage to get a leftwing agenda of items included in the legislation, many of which—many of which have no relationship whatsoever to the coronavirus.

So the leader's point—and, by the way, with respect to the judge, yes, Judge Barrett is, I think, everything that the American people want to see in a Supreme Court Justice. And for him to get up here and say that she doesn't have views that are supported by the American people, I don't understand exactly that argument because my understanding of what a judge is supposed to do is to take the facts of the case, apply the law, apply the Constitution in an impartial way, and apply those as written—not to try and get some perceived outcome or result or policy preference. That is not what judges do.

What you heard him say is exactly why we have a difference of opinion about the judiciary in this country because they view the judiciary as an auxiliary legislature where you go to get outcomes and results that you can't get through the two political branches of our Government.

Well, that is not what the judiciary is. The judiciary is supposed to be independent. It is supposed to be a fair arbiter—it calls balls and strikes and doesn't try and step on the scales or write the rules of the game. That is what a judge is supposed to be.

So they don't like this Justice or this judge, I should say—hopefully, soon to be Justice—because they think she is going to rule a certain way on particular cases, and they have no idea about that.

I mean, think about it. The same argument has been made against Republican nominees to the Supreme Court, literally, for the last 30 or 40 years. Every single time a Republican President nominates an individual to the Supreme Court, the Democrats and the left get up and say: They are going to cut healthcare. They are going to destroy healthcare. They were saying that about Justices on the Supreme Court that vote with their wing more than anybody else. They said that about Chief Justice Roberts. He was going to kill healthcare. He was going to destroy healthcare for millions of Americans.

He cast the deciding vote to uphold the Affordable Care Act, otherwise known as ObamaCare.

So they don't know what a judge is going to do. But I know what she is going to do because she has proven it as a judge on the appellate circuit, the Seventh Circuit, as an academic, in her writings, that she believes the role of a judge is to take the facts of a case, apply the law, apply the Constitution, as written, impartially, and to render a decision.

That, to me, is what I think every American believes we ought to have in a Supreme Court Justice. So, yes, this may be fair game for them to come down here and offer up all these motions that we are going to hear repetitively today, none of which has anything to do with the issues that they are going to say they want to talk about but everything to do with the fact that we are considering an incredibly well-qualified—not by my opinion but by everybody who has ever worked with her, including the dean of the Notre Dame Law School who hired her, the ABA—the American Bar Association—which passes judgment on all these nominees, her colleagues on the Seventh Circuit, staff, everybody this person has ever interacted with, stellar recommendations. This is an incredibly qualified individual and somebody, by the way, who I think can be relatable to the American people because she deals with the same issues that all Americans do, trying to raise seven kids. Imagine that.

Imagine trying to organize her schedule around seven kids, continue to be a professional, and do exceptional work.

She is highly qualified, a “towering intellect,” she has been described by her colleagues.

So that is what this is about. It is about trying to block a well-qualified Justice to the Supreme Court simply because they don't like the process. And I understand that, but this is a constitutional process. This is a vacancy.

The Constitution doesn't follow the political calendar when it comes to filling vacancies, and, as you heard Leader MCCONNELL point out earlier today, precedent on this issue, on confirming a nominee by a President to a vacancy created in an election year, the precedent falls all one way, if you go back throughout history.

So just so people know, every time they get up and offer a unanimous consent request to call up a piece of legislation, it has nothing to do with the legislation, because they have already moved to adjourn multiple times this week, meaning they want to get out of town. They don't want anything to do with this Supreme Court. So they are going to get up and say Republicans are blocking this or that. As I pointed out, the first one that was offered was a bill to deal with the coronavirus and provide relief to people across this country, which, by the way, we just voted on 2 days ago—3 days ago here in the U.S. Senate. They blocked even getting on the bill—not considering the substance of it, which, by the way, as I said, includes a lot of bipartisan objectives and priorities; they blocked even considering.

So that is what this is about, and I expect that is what we are going to hear today, tomorrow, and the next day, but it is not going to deter us from the important work we have at hand.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Mr. President, I listened carefully to the Senator from Kentucky in his statement on the floor this morning. It was a lengthy defense of the procedure that is being followed in terms of the nomination of Amy Coney Barrett to the Supreme Court. It is not the first time he has made this historic defense, and clearly he is going to continue. He obviously feels that he is on the defense when it comes to explaining. I think he is. I think everyone remembers Merrick Garland and the pronouncement by Senator MCCONNELL and all of the Republican Senators that Barack Obama did not have the authority in the last year in office to fill a vacancy on the Supreme Court.

We sent the name “Merrick Garland” to the Hill. Senator MCCONNELL let the word go out that he would not even meet with the man in his office. He would not show him the respect of meeting with him. Two or three Republican Senators broke with that command from Senator MCCONNELL. Most

went right along. It was a very low moment. It is one we haven't forgotten and I don't believe the American people have forgotten, because we have rewritten the rules. Now when it comes to a Republican President, Senator MCCONNELL says, why, of course he can fill the vacancy. He can even fill it while votes are being cast in his reelection campaign. It is an enormous departure from 4 years ago, and Senator MCCONNELL comes to the floor regularly to try to explain it away, and it just doesn't work. He will keep trying. He has no alternative.

But if most Americans tuned in to this session this morning and afternoon, I am not sure they would dwell on the rules of the Senate or the rules of the Senate Judiciary Committee. They would probably be asking themselves and members of their family a very basic question: What is wrong with the Senate? Doesn't the U.S. Senate know what is going on across America?

This morning's New York Times front page: “New Peak for US Cases: Over 82,000 in a Single Day. 13 States Endure Their Worst Week Yet—Warnings of a Cold-Weather Surge.”

The article—of course referring to COVID-19—says:

The United States is in the midst of one of the most severe surges of the coronavirus to date, with more new cases reported across the country on Friday than on any other single day since the pandemic began.”

We sit here arguing about the rules of the committee and the rules of the Senate and who came first and who shot whom. The American people would like us to focus on something that has real relevance to their lives.

Listen to some of the things that were reported this morning in this newspaper about what is going on across America when it comes to this coronavirus:

On Thursday, the same day that President Trump said the coronavirus was “going away” and Joseph Biden warned of a “dark winter ahead,” the United States recorded one of its highest daily totals of new cases—75,064. By Friday evening, a new peak in the pandemic had been reached when more than 82,000 cases in a single day were reported nationwide, breaking the daily record set on July 16 by more than 3,000 cases. Thirteen States have had more new infections in the past week than in any other 7-day stretch. Hotspots are emerging across the country. Officials in Kentucky—Kentucky—announced more than 1,470 cases on Thursday, the biggest 1-day jump in that State. More than 1,300 cases reported in Colorado—another single day record. In the State of Washington, Governor Jay Inslee tweeted that the State had passed the 100,000-case mark, adding that “we all need to commit to having fewer, shorter, safer interactions, especially as the weather keeps us inside more often.”

Mr. President, that is what is happening in America. It is not what is

happening on the floor of the Senate. We are embroiled in a political controversy over a Supreme Court nominee instead of focusing on the deadly situation that is going on across our Nation.

I have spoken to Governor Pritzker, the Governor of Illinois, regularly about his battle to try to find equipment and treatment for the people in our State. It is a lonely, unpopular battle that he fights. This Governor in Illinois and Governors across the Nation have to stand up—if they are responsible—have to stand up and say to the people, the residents of their States, some things they don't want to hear.

I don't like wearing these masks—most people don't—but it is a simple, effective way to dramatically decrease the spread of this virus. I don't like the notion of social distancing, and I certainly don't like the idea of being away from my grandkids and the rest of my family, but if it means keeping them alive, I will do it, as painful as it may be. These are the simple, basic things that we are now debating from one end of America to the other.

This coronavirus situation has reached such a terrible state that yesterday, when the director of public health for the State of Illinois gave her daily briefing—Dr. Ezike is her name. She is a wonderful African-American doctor who has just been steadfast through this whole battle against the pandemic. In the middle of her presentation about what was facing our State, she broke down crying. I would have too. She turned her back for a moment and tried to compose herself. She could barely finish her press conference. She begged the people of my State of Illinois: Please, if for no other reason, for the sake of the healthcare professionals who risk their lives to treat these people, please help us put an end to this virus.

Last Saturday, a week ago today, one of my dear friends for years and years was feeling sick. She called her daughter and said: I think I need to go to the hospital. Her daughter took her to the major hospital not far from their home for admission because of lung problems. The hospital would not accept her. All the rooms were full. She then went to the second largest hospital in the area, asking if she could be admitted and treated. They would not accept her. All the rooms were full. She finally made it into the third hospital. She survived until Tuesday morning, when she passed away.

In the United States of America, that someone who had health insurance, was prepared to pay, could not even be admitted to major hospitals because of this coronavirus pandemic—and we are sitting here on the floor arguing about who was appointed by which President 100 years ago? Do you wonder why people look at the Senate and say: You are irrelevant. You are not even addressing the issues we care about.

And the procedural play here means nothing. Oh, I offered an amendment,

and you voted no. People, at the bottom line, say: Grow up and do something to help America.

We know what it takes to reach an agreement, as we found on March 26 when we passed the CARES Act. It passed in the Senate by a vote of 96 to nothing—a bipartisan, strong vote, not a single dissenting vote—\$3.3 trillion to address this pandemic and our economy. We rose to the occasion. I went home, and people were amazed. You mean you actually did something in the Senate? Yes, we did.

How did we reach that point? It wasn't through the regular order; it was through honest, serious negotiation that took place between the White House and the leaders in Congress. But since then—since then—we have not seen that. There has been one group who has stayed away from all of the negotiations around the table. The White House is there. Secretary Mnuchin is there. Speaker PELOSI is there. CHUCK SCHUMER, the Democratic leader of the Senate, is there. The Republicans have refused to sit down and negotiate at the table.

That is how it gets done around here. People sit down and work out their differences and put a bill on the floor and pass it 96 to nothing. But Senator MCCONNELL has steadfastly refused to attend these negotiating sessions. KEVIN MCCARTHY, the House Republican leader, joins him. So they boycott the sessions and come to the floor with a take-it-or-leave-it, partisan amendment in order to cover some political concerns back home. What a shame. What a waste.

When Senator MCCONNELL announced just a few days ago to the White House, stop negotiating; there will be no bill before the election; there will be no COVID relief before the election, people back in Illinois said to me: What is he thinking? Doesn't he understand the reality of what is going on in States like Illinois, Wisconsin, Michigan, and across the Nation, the infection rate, the death rate, hospitals being pushed to the limit? No. Clearly that is not a priority for Senator MCCONNELL and Senate Republicans. The priority is not the millions who are at risk. The priority is not the hundreds who are dying. The priority is one Supreme Court nominee. So we are bound to spend 5 straight days on that issue and not a minute of that time dealing with COVID-19. How do you explain that to the American people? I don't believe you can.

I could go through the lengthy history—I will put it in the record—of this Barrett nomination, but I will just state that when it comes right down to it, we cannot explain how we are going to leave here Monday night voting on one nominee but empty-handed when it comes to COVID-19. There is no excuse—no excuse for that. That is where we find ourselves.

I want to tell a story on why the nomination of Amy Coney Barrett directly links up with my concern about

this pandemic. Having lost 220,000 American lives, my concern and the concern of everyone is to keep our families safe. The first question we ask one another is, You do have health insurance, don't you? It is the obvious question.

I remember a time in my own life, newly married, law student, my wife and I blessed with a little girl who came pretty quickly, and she was pretty sick, and we had no health insurance—no health insurance. She was treated by local hospitals here in Washington, where I was going to law school, and they called me in one day and said: Well, since you don't have any health insurance, you have three options: You can declare bankruptcy with all these medical bills.

I said: That doesn't sound right to me. I haven't even taken the bankruptcy course in law school. What else?

Well, you could file—we think you qualify for welfare, Medicaid.

That doesn't sound right either. I am training to be a lawyer. I am supposed to end up with a good paying job at some point in my life. Going on welfare in law school? What is the other option?

Well, the only other option is, we will total up all your bills, and you can pay them back to us over a period of years.

It took us 10 years—10 years to pay those bills because I had no health insurance. Did I remember that moment? I remembered it for the rest of my life, to be a father and a husband without health insurance and a sick baby, thinking, my goodness, is this going to keep the good doctors away? Will she get the treatment she needs to survive?

That is what we are up against now, because the Affordable Care Act, which I voted for 10 years ago on this floor, extended health insurance to 23 million Americans—600,000 in the State of Illinois—and it changed health insurance for everybody because now the health insurance companies have lost some of their tricks of the trade. They can no longer put a lifetime limit on how much they pay out. They can no longer discriminate against a person because they happen to be a woman. They can no longer discriminate based on pre-existing conditions. They have to provide family health insurance, the option to keep kids on the policy until they reach the age of 26. That affects all policies.

So what has been the approach of the Republicans, particularly this President? He wants to eliminate that. What I have just described, he wants to eliminate. Don't take my word for it; it has been filed in a case across the street, *Texas v. California*. A group of Republican attorneys general came forward and said: We want to eliminate the Affordable Care Act. And the President said: I am going to join you. Let's get rid of it.

They tried to, on the Senate floor, in 2017. It is one of those moments etched in my memory, sitting down there at that desk. I looked at that door over

there, and it opened at 1:30 a.m., and John McCain, Republican Senator from Arizona, walked through that door, stood in the well. He could barely lift that right arm, which had been shattered when he was a prisoner of war. He lifted it just enough to say “no.” That “no” saved the Affordable Care Act from being eliminated by the Senate.

So where do they turn if they can't get it done in Congress? Off to the courts. And why is that important in terms of this nomination of Amy Coney Barrett? Because they are bound and determined to fill that vacancy on the Court before November 10. Why November 10? Because that is the day the Court takes up the oral arguments on the future of the Affordable Care Act. And if she is not in her black robe listening to that argument, by tradition she can't vote on whether to eliminate it or not.

She sent plenty of signals in the past about what she feels about the Affordable Care Act. To my friend from South Dakota who says, “You don't know how she is going to rule,” there is some truth to that. She could change her mind. But I will tell you, if you were a betting person, you would say the statements that she made criticizing Chief Justice Roberts for saving the Affordable Care Act and other statements that she has made about the law itself suggest that she will not be a friend when she has the opportunity to vote.

Do we take that seriously on behalf of 600,000 people in Illinois? You bet we do. It directly relates to this pandemic and the opportunity for people across this country to have the coverage they need.

I am going to tell a quick story about one of them. I have a photo of her here that I want to share with people. It is a situation that she faces. I am sorry that I don't have that in front of me, but I am going to tell the story anyway, as I remember it.

Her last name is Danenberger. She is from New Berlin, IL. She is an amazing young woman. She is battling breast cancer.

Here it is. Thank you.

When we cut corners when it comes to the Affordable Care Act, Susan Danenberger is one of the victims. She is a fifth-generation farmer and wine maker. She has a great little vineyard and a great little restaurant, and I have been out there with my family. She is also a two-time cancer fighter with stage IV metastatic breast cancer. She has been through the gauntlet of medical procedures, treatments, and complications of recent years—a double mastectomy, radiation, IV, chemo, pulmonary embolisms, lung infections, and more. Her oral chemo medications alone have cost her thousands of dollars every single month, even with insurance.

As a business owner, Susan offers insurance to her employees. She was relieved to learn, when opening her new health policy, that the ACA guarantees

that she gets coverage even with that medical history. It also allows her 23-year-old son to stay on the family plan.

Here is what she says to me:

Most of the time I feel driven. Making wine and running a winery is more than just a job. It's my purpose. I am more scared than I pretend to be, and that is how I make it through. I pretend that everything is OK. But this year, it is harder to pretend that everything is going to be OK. I am worried about the future. I am worried about money. I am worried that I won't be able to afford to fight cancer. I am worried about taxes, health insurance changes, and being at the mercy of insurance companies.

For Americans like Susan, with a family, a business, and preexisting conditions, there is so much at stake with this case pending before the Supreme Court and the judges and Justices who will vote on it.

Susan, bless you—she just can't afford for this Court to strike down the Affordable Care Act. Where will she turn?

Oh, but you must conclude it. Durbin, you are not telling us the whole story. Tell us about the Republican alternative to the Affordable Care Act. Tell us about their substitute, the one that is going to save everybody so much money and provide all the same coverage—tell us about that. Well, I sure would like to, but I can't because it has never been written down on paper, ever. There is no Republican alternative. They are bound and determined to kill ObamaCare with no substitute. That is why John McCain voted no. He said: We owe it to the American people to give them an alternative. Sadly, sadly, unfortunately, there is still no alternative.

Senator SCHUMER, earlier today, noted that there are a lot of other things we should be taking up at this moment in time. I am going to mention a few here this morning. These are measures which passed the House of Representatives sometimes months ago, sometimes over a year ago, and sent to the desk of Senator MCCONNELL. They were never taken up. They have been sitting there while we have done little or nothing on the floor of the Senate except entertain his judicial nominations.

The first one is personal to me—not that it affects me personally or legally, but it is related to a bill that I introduced a long time ago. On June 4, 2019, the House of Representatives passed H.R. 6, the American Dream and Promise Act, with a strong bipartisan vote, giving a path to citizenship to Dreamers. I introduced the first DREAM Act 19 years ago. I have been reintroducing on this ever since.

These are young immigrants brought to the United States as toddlers, infants, and children. The Dream and Promise Act has now been sitting on Senator MCCONNELL's desk for more than a year—more than a year. On June 22, I sent a letter signed by all the Democratic Senators calling on Senator MCCONNELL to finally bring it up for a vote, and, 4 months later, Senator MCCONNELL has not even responded.

We sent our letter after the Supreme Court rejected President Trump's effort to end deportation protections for Dreamers. In the opinion by Chief Justice Roberts, here is what he said about the actions of the Trump administration on DACA. Here is what he said: arbitrary and capricious. That was the description.

I joined with Senator Dick Lugar, a Republican, years ago, asking for the President to create DACA. President Obama responded by creating it by Executive order. Sadly, President Trump eliminated it, and, literally, hundreds of thousands of young people have their fate in doubt because of it.

The same thing is true when it comes to temporary protected status for people in the United States.

This administration has been a scourge when it comes to the issue of immigration, particularly inspired by Stephen Miller, a person I could never, ever understand. They have decided to be as mean as possible and cruel when it comes to people who are in this country having left horrible circumstances at home.

Now is the time for us to take up this measure and to start the debate. It isn't as if we have so much else to do. What we should be doing is to make sure that we do this.

So, in order to proceed in consideration of H.R. 6, the American Dream and Promise Act, I ask unanimous consent the Senate proceed to legislative session.

THE PRESIDING OFFICER (Mr. JOHNSON). Is there objection?

The Senator from Indiana.

Mr. BRAUN. Mr. President, reserving the right to object, I have only been here a little under 2 years, and in the time that I have been here, it has been disappointing that when it comes to real attempts to make legislative progress, so often I see that we are far apart in terms of how we want to go about it.

I came here from a State like Indiana, where serving in our State legislature and running a business for 37 years, we seemed to get things done. Even though we were divided, of course, like most legislative bodies are, we came together and did things that made a difference for our constituents.

In the time before the impeachment saga came along, COVID, and civil unrest, I thought many of us were putting our shoulders to the grindstone—and I am on committees like Health, Education, Labor, and Pensions—wanting to weigh in on talking about some of things the Democrats have brought up about healthcare. And, to me, again, I think it brings in front of us differences in approach, certainly.

I am a believer that rather than trying to get government even more involved in certain things, that we might look at what actually works in the real world and works in many States, including healthcare, which I agree is probably the No. 1 issue we face in the country. It was the No. 1 issue when I was running a business.



I think there is so much commonality, in the sense that we have a broken healthcare system. We sometimes, as conservatives, are slow to maneuver and may not be interested in doing things that need to be done, but I think there is a time and a place for that. I was pleased to see, I think, that 70 or 80 Senators weighed in on trying to fix healthcare. But what interrupted that progress was several months of an impeachment saga that proved to go nowhere, and then we have been confronted with the biggest health crisis, certainly, in a century—other issues.

But, in this case, I think, to me, trying to cut to the chase, this is clearly a sequence of maneuvers that is trying to interject in a process of getting one of the most qualified judges across the finish line to become a Supreme Court Justice.

I think the American people are watching, too. They see what goes on here. They see that, year after year, we seem not to deliver results. When it comes to stuff that should be simple—when it is clear, based upon the credentials, especially, of someone like Amy Coney Barrett, who comes from my State, who has done such an outstanding job as an appellate judge, has impeccable credentials, and to where now this is being litigated not on the merits of who she is and how she will handle herself as a Supreme Court Justice—it has gotten so partisan. I think that really does turn people off.

I think this is more a sequence that maybe we are both guilty of, to where we do not roll up our sleeves and get to the heart of the matter. I was happy to be the first Republican to come across and acknowledge that climate is an issue. I formed the Climate Caucus and got six other Republicans to do it. I think we have to be engaged in the key issues of the day. Again, as I said earlier, we sometimes are slow to come to the discussion, but in the time that I am going to spend here, I would hope that we do legislation in the time that is there to do it and not try to interject it into a process like this.

I am so happy that we have this in a situation where we are going to get her voted in on Monday, and, in the meantime, I think that any of the attempts that are made by the other side to belabor the point just shows the American public what is wrong with this institution.

So, that being said, I do think that she is a qualified nominee to the Supreme Court. It is of the utmost importance that we do not belabor the process, and I object to proceeding to legislative session.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I will say to the Senator from Indiana, I recognize that he is new to this body, and what he has seen in the Senate is not the Senate that I was elected to.

There was a time—the Senator may find it hard to believe—when we actu-

ally brought bills to the floor. We allowed amendments. Before that, of course, the committee had done its work. We allowed amendments on the floor up or down, and we ended up deliberating and voting on measures. If they passed here, we then had a conference, and, miraculously, at some point, they became law. That has not happened here for a long, long time, and I don't think you have seen it. Maybe the Defense authorization bill is as close as it gets, though we don't have active amendments there.

In this circumstance, on this bill which I brought before the Senate Judiciary Committee 18 years ago—18 years ago—it has passed the House of Representatives and is sitting on Senator McCONNELL's desk for a year. It has been referred to the Senate Judiciary Committee, and I cochair the Immigration Subcommittee with your colleague, who is standing to your right, from Texas. We have met once in the last 2 years—once—and have never taken this up. So for the sake of the people affected by it, asking that it come to the floor is not an unreasonable request. Their lives are tied up in it.

So I would love to see regular order. We haven't seen it in so long. Most people wouldn't recognize it. But I understand your objection.

I have a series, but I am only going to make one more unanimous consent request because I see Members waiting to speak. This one is very relevant and very timely.

UNANIMOUS CONSENT REQUEST—H.R. 4617

Mr. President, we know that foreign election interference continues to be a real threat in America. Just this week we learned of a foreign influence campaign carried out by Iran in which fake, menacing emails were sent to Democratic voters who were told to vote for Trump or “we will come after you.” The origin, we are told by intelligence agencies, is Iran.

FBI Director Wray has said that Russia has been “very active in its efforts to influence the election” and seeks to “denigrate Democratic nominee Joe Biden”—two countries up to their elbows in trying to make a mess of our election campaign.

It is well past time to address this threat. We spend a time of lot talking about it. We could do it today by passing the House-passed SHIELD Act.

This is a bill passed in the House of Representatives that would establish a duty to report election interference from foreign entities so the FBI and the Federal Election Commission are aware when foreign powers are offering unlawful—unlawful—election assistance to campaigns and other political committees.

This bill would restrict the exchange of campaign information with foreign entities by making it illegal to offer nonpublic campaign material to foreign governments and those linked with foreign governments.

The bill would improve transparency by applying existing campaign adver-

tising requirements to online advertisements, and it would close critical loopholes in the law to further limit political spending by foreign nationals and foreign governments to try to influence the outcome of a U.S. election.

Finally, the bill would prohibit deceptive practices about voting procedures to stop individuals from providing false information about voting rules and qualifications for voting.

In light of these ongoing threats to both Presidential candidates, President Trump as well as Vice President Biden—this is a bipartisan attack. They are not just going after Democrats or Republicans; they are going after all of us. Isn't it about time we said that we are fed up with it, and it has to stop? That is all this bill does. It is bipartisan.

In order to proceed to the consideration of this bill in time for it to affect the outcome of this election, perhaps, H.R. 4617, the SHIELD Act, I ask that we proceed to consideration of it to prevent foreign interference in elections. I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Indiana.

Mr. BRAUN. Mr. President, reserving the right object, as I said earlier, the Senate is currently considering the nomination of a highly qualified nominee to be an Associate of the Supreme Court. This request is another procedural move just to belabor the process.

They voted to adjourn until after the election four times this week, so, obviously, this bill, even though it may have merits that we need to discuss, should not be done in this format.

Continuing to consider this highly qualified nominee to the Supreme Court is the utmost, most important thing that we should do here. Therefore, I object to proceeding to legislative session.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

UNANIMOUS CONSENT REQUEST—H.R. 4995, H.R. 4996, AND H.R. 1585

Mr. DURBIN. Mr. President, H.R. 4995 is one that passed the House from Representative ENGEL to help address maternal health gaps and disparities in rural communities. The bill would provide grants at HHS to networks of healthcare providers and academic partners to expand obstetric capacity and improve trainings in underserved rural areas.

The trainings would help to address implicit bias, which—more so than economic status, health status, or education level—can contribute to health negative outcomes for moms and their babies.

Due to lack of specialists and geographic gaps, maternal health outcomes in rural Illinois are worse than in urban areas. So when it comes to responding to and tackling the urgent health challenges of the moment,



alongside addressing the COVID-19 pandemic, these bills can help close the disparities and gaps that exist in health care in America.

H.R. 4996, sponsored by Congresswoman ROBIN KELLY from Illinois, passed the House in September. It closely mirrors a provision in legislation I have introduced in the Senate, the MOMMA Act. This critical legislation addresses our Nation's unconscionable disparities in maternal and infant mortality by ensuring mothers can maintain access to care and prevent pregnancy-related complications.

The U.S. is 1 of only 13 countries in the world where the maternal mortality rate is worse now than it was 25 years ago. Nationwide more than 700 women die every year as a result of their pregnancy, and more than 70,000 others suffer severe, near-fatal complications. Across the country, women of color are four times more likely to die from pregnancy-related complications than white women. The COVID-19 pandemic has magnified these racial and ethnic health disparities that already existed. These gaps in our health system are unacceptable.

Medicaid covers half of the births in Illinois. This policy would help thousands of mothers in Illinois and nationwide by enabling Medicaid to provide coverage for low-income mothers for up to 1 year, compared to the current limit of 60 days. It is time we turn the page on this unacceptable inequity in our healthcare system and address a real need across America.

H.R. 1585, the Violence Against Women Act was signed into law 26 years ago, and it must be reauthorized. This law has been a lifeline for survivors of domestic violence and sexual assault in my State of Illinois and across the country. Over a year ago, the House voted to reauthorize and strengthen VAWA. But the Republican-controlled Senate has refused to bring this bill to the floor for a vote.

For many Americans, home is not always a safe place, and the COVID-19 pandemic has presented particular challenges for people facing abusive situations and domestic violence. It is shameful that Leader MCCONNELL has refused to call this critical reauthorization to the Senate floor for a vote.

It is long past time for the Senate to renew and strengthen VAWA.

In order to proceed to the consideration H.R. 4995, the Maternal Health Quality Improvement Act of 2020; H.R. 4996, the Helping MOMS Act of 2020; and H.R. 1585, the Violence Against Women Reauthorization Act, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Indiana.

Mr. BRAUN. Mr. President, I object to proceeding to everything en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### NOMINATION OF AMY CONEY BARRETT

Mr. CORNYN. Mr. President, on Thursday, the Senate Judiciary Committee advanced the nomination of Judge Amy Coney Barrett unanimously. It was unanimous because our Democratic colleagues sought to boycott the meeting. But what they basically did was expedite consideration of her nomination.

It was really kind of puzzling to see the chairs that were set aside for our Democratic colleagues filled with large, blown-up pictures, and I will sort of get to that in a moment, the false narrative that we have seen here because our colleagues cannot successfully attack the character or the qualifications of this incredible nominee to this seat on the Supreme Court.

Judge Barrett discussed everything from the separation of powers to the free expression clause of the First Amendment. Many of us marveled at her knowledge and her ability to recall facts and legal decisions without so much as even a note in front of her.

It is no surprise that the American Bar Association, which the minority leader has called the gold standard, gave her their highest rating.

The chair of the Standing Committee on the Judiciary said: "[I]n interviews with individuals in the legal profession and community who know Judge Barrett, whether for a few years or decades, not one person uttered a negative word about her character."

That assessment is in line with the glowing letters of support we have seen from her former colleagues and students whose political philosophies and beliefs fall across the entire political spectrum.

What we have repeatedly heard is about Judge Barrett's brilliance, her strong character, her great temperament, and her impressive humility. Judge Barrett, I am convinced, will serve our Nation well in the Supreme Court.

It is clear that the mountains of evidence stand in sharp contrast to the portrait our colleagues across the aisle have attempted to paint of this nominee. Democrats have tried to claim that she is somehow "too radical," despite the fact that in her 3 years on the Seventh Circuit Court of Appeals, she has agreed with her colleagues 95 percent of the time in the 600 cases they have decided.

Back in 2017, when she was nominated to the Seventh Circuit, she was attacked explicitly because of her Catholic faith, even though our colleagues know that under the Constitution, no religious test is permissible, really suggesting that because of her faith, she couldn't follow her oath to decide cases on the facts and the law that come before her—truly insulting and completely out of character with the person we saw in Judge Barrett in front of the Judiciary Committee.

Our colleagues even went so far as to hold up a chart with more than 100 cases listed and claimed that Judge

Barrett would overturn every single one of those precedents. There is certainly no evidence of that. Nothing in the record would suggest it. With her fidelity to the law, do you think she would be so reckless? Well, of course not. There is just no evidence to support it.

But we know that because they couldn't attack her on the merits, they decided to use fearmongering instead. Through innuendo, misinformation, and intellectually dishonest arguments, they have been trying to stoke fears about how she may rule on a case she has not even heard yet. This is sort of a sky-is-falling argument, a Chicken Little argument.

It really has more to do with the way our Democratic colleagues view the judicial branch. They view it as another political branch, as opposed to an apolitical branch that is supposed to interpret the law and the facts and decide cases on their own merits.

Instead of addressing her judicial philosophy, our Democratic colleagues eagerly shared their plan, should she be confirmed, to pack the Supreme Court with additional Justices to give them the political results they cannot achieve with the current composition of the Court.

This is something that Ruth Bader Ginsburg explicitly condemned, saying that this would turn the Supreme Court into just another political body. You can imagine if Democrats, when they are in power, decide to add additional judges who may decide cases in the way they would like to see them decided, the temptation would be great for the other side of the aisle to add judges to the Supreme Court. It would completely destroy what has been rightly called the crown jewels of our Constitution, and that is our independent judiciary.

For many Americans, the idea of mutating our only apolitical branch of government is absolutely terrifying. So, not surprisingly, our colleagues across the aisle have tried to rebrand and call this rebalancing the Court. Back home, this is what we call putting lipstick on a pig.

Using words like "rebalance" is a way to obscure, really, what their goal is. They want to seize what they view as an unaccountable body and use it to secure wins they can't win in the rough and tumble of the legislative process. If you can't win an election, if you can't win a vote in Congress, well, get the Supreme Court, get the judiciary to bail you out. That is not the appropriate role of judges or the judiciary under our Constitution.

Our Democratic colleagues seem absolutely fearful about judges who will actually apply the law as written. They want somebody to impose a result that they wish were required.

They want judges to evaluate cases not by the letter of the law but through the same lens of personal and political biases. In short, they don't really want a fair and impartial judge

like Judge Barrett. They want a guaranteed result.

Our Democratic colleagues repeatedly pushed Judge Barrett to say how she would rule on future cases. They asked her to share her personal views on controversial issues. They demanded a commitment from her to recuse herself from specific cases. But, once again, Judge Barrett proved why she is the right person for this job. She followed the precedent set by former and current Justices and respectfully refrained from answering those sorts of provocative questions.

Contrary to what our Democratic colleagues believe, Supreme Court Justices are not life-tenured superlegislators. They are obligated to apply the law as written—no favors, no biases, no predetermined outcomes. That is what Judge Ginsburg said when she was confirmed, and that is why it is so important to confirm Amy Coney Barrett.

She has artfully demonstrated her understanding of the role of the judiciary and shown she has the temperament, the intellect, and the experience to serve on the Nation's highest Court.

She won't impose her personal beliefs. She said that time and again. And to suggest that she would somehow violate her judicial oath in a future case is inconsistent with everything we have come to know about Amy Coney Barrett.

She won't impose her personal beliefs. She won't try to favor one side or the other, and she won't legislate from the bench. That is exactly the kind of nominee that Republicans and Democrats should want on the High Court.

So I look forward to supporting Judge Barrett's nomination on Monday, when we finally vote to confirm her.

#### PRESIDENTIAL DEBATE

Mr. President, briefly, on another matter, in Thursday's Presidential debate, former Vice President Joe Biden said he wants to transition the United States from the oil industry. Actually, Governor Abbott appropriately said: No, Joe Biden wants to transition hundreds of thousands of Texans from their paychecks.

What Joe Biden is sending is a not too subtly coded message that he wants to end our energy industry as we know it. This is an industry that, according to one study, directly or indirectly supports one out of every six jobs in my State and is a pillar of our State's economy.

Through tax revenue, high-paying jobs, and downstream economic gains, communities across Texas reap substantial benefits from our thriving oil and gas industry every day, and those benefits reach beyond our borders or the borders of any other energy-producing State.

That is because of the hard-working men and women on rigs, in fields, and in refineries. Because of their work, the American people have access to reliable and affordable energy.

In places like California and New York, folks can't turn on their lights,

fill up their gas tanks, or hop on an airplane without ever thinking about the men and women who made that seemingly simple task possible.

Now we are seeing our Democratic colleagues fighting to leave these energy sources in the dust. They are talking about switching to renewables, as if it were as simple as turning on a light switch.

In Texas, we literally believe in an "all of the above" energy policy. We produce more electricity from wind energy, from wind turbines, than any other State in the Nation. But we know what the reality of the kind of transition that Vice President Biden has talked about would mean. We got a taste of how disastrous it would be earlier this year.

When the coronavirus pandemic hit, the need for Texas's greatest natural resource plummeted. With fewer cars on the road and fewer planes in the sky, oil and gas producers were left with a lot of supply and not much demand, and that is when the layoffs began.

A new report by Deloitte found that, between March and August of this year, about 107,000 energy workers were laid off, and that doesn't include the countless workers who had their pay cut or who were temporarily furloughed.

To make matters worse, the study found that as many as 70 percent of those jobs might not even come back by the end of 2021, and that is if we continue business as usual.

If the Vice President's plan to destroy our energy industry were enacted, these workers would have no jobs to come back to, and it would be only the beginning of the cascading negative economic consequences.

Many Americans aren't old enough to remember the 1970s energy crisis, which put our energy dependence in this country in the spotlight. The situation was so bad that gas stations were serving customers by appointment only. Some States banned neon signs to cut down on energy use. A number of towns asked their citizens not to even put up Christmas lights.

It was a cold, hard dose of reality that brought America's energy dependence to light and underscored the need to increase our domestic resources and wean ourselves off of the dependency on foreign oil. And that is exactly what we did. We placed a ban on the export of crude oil at that time to grow our reserves here at home.

With the shale revolution and technological advancements in the energy sector, in recent years, though, production has skyrocketed. Then it became abundantly clear it was time to lift the export ban, which we did.

Almost 5 years ago, I voted here in the Senate to lift that 40-year-old export ban, and until COVID-19 hit, we were seeing major gains. Last November, for the first time on record, the United States exported more crude oil and fuel than we imported.

Now that we have reached, really, what you could call energy self-sufficiency, our Democratic colleagues are eager to impose policies that would send us right back to the 1970s and that Orwellian energy crisis and wreak economic havoc in the process.

Really, I think Vice President Biden has succeeded in alienating all sides on this topic because he has been flipping and flopping back and forth about fracking bans, whether it would apply across the board or just to Federal lands. But KAMALA HARRIS, his running mate, has been abundantly clear and completely consistent. She said last year: "There's no question I am in favor of banning fracking."

But whether Democrats are talking about a transition, a fracking ban, or the Green New Deal, these proposals will kill the goose that laid the golden egg—our oil and gas industry—and send the economy into a tailspin. They would bankrupt my State, with the best economy in the country.

A study by the U.S. Chamber of Commerce estimates that a fracking ban would cost our State nearly 3.2 million jobs by 2025. The annual cost of living would go up more than \$7,000. Unemployment would skyrocket, tax revenue would plummet, and the prepandemic economy that made us the envy of the world might never recover.

The only thing this so-called transition would lead to is a dire economic picture for Texas—and I believe the rest of the country as well—and unaffordable or unreliable energy resources.

I want to be clear; I support efforts to drive down emissions. That is why this shale gas revolution has been so good for the environment, by reducing emissions dramatically.

The U.S. energy-related emissions dropped by almost 3 percent last year, largely due to the increased use of natural gas for power generation.

I also support renewable energy. As I said, Texas is the No. 1 producer of electricity from wind. But even the strongest supporters of renewable sources of energy can tell you right now renewables are not capable of providing the energy that our Nation needs. As we all know, the Sun does not always shine, and the wind does not always blow. So wind turbines and solar panels can't fill the need, particularly with about 270-plus million cars on the road and an airline industry—not to mention our national defense—that depends on fossil fuels to run their engines.

Last year, renewables accounted for only 17.5 percent of our total electricity generation. For comparison, natural gas alone accounts for more than double that. While the development and expansion of renewable sources is important and something that I support, we simply can't cut our nose off to spite our face by denying ourselves access to, really, what is a gift, which is our natural resources and fossil fuels.

Right now, we have hope that, once daily commutes and nonessential travel resume, more Texas energy workers will be back on the job and our economy will rebound. But if our country were to implement the policies advocated by leading Democrats, particularly their Presidential and Vice Presidential nominee, that hope would altogether disappear.

This is not the time, if ever there was a time, to implement heavy-handed, short-sighted government policies like that. Our energy industry is still reeling from the impact of the coronavirus, and our Democratic colleagues' disastrous policies would not make that better; it would make it worse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I was here to hear the wise words of the Senator from Texas. I look at our region, in the Tennessee Valley, compared to California. California is moving ahead with a policy a lot like Vice President Biden's. They have got a high goal for powering that whole State on wind and solar and closing their nuclear plants.

What is happening in California? Rates are going through the roof, and they are having rolling blackouts. What is happening in Tennessee and the Tennessee Valley? The TVA has very wisely expanded nuclear power so that it is more than 40 percent of our electricity.

Of course, nuclear power is totally emission-free—no carbon, zero carbon—it is reliable, and it is, by far, most of the carbon-free electricity we produce in this country. The combination of that nuclear power, hydropower, and natural gas in Tennessee has given us one of the cleanest areas. In the East Tennessee area where I live, I can see the mountains clearly now because pollution control is on all the coal plants.

So we need a realistic energy policy, not a fanciful one. We don't want rolling blackouts throughout the country like California has because they have adopted exactly the policy that Vice President Biden is advocating.

#### VACCINE SAFETY

Mr. President, I come to the floor to speak on another subject. I want to talk about science and vaccines.

The Governors of New York and California have announced they are creating their own State review panels to review COVID-19 vaccine data as it becomes available. New York Gov. Andrew Cuomo said: "Frankly, I'm not going to trust the Federal Government's opinion."

In California, Gov. Gavin Newsom has stated the vaccine won't be distributed in California until it is reviewed by a State panel of experts. The Governor of California said on October 20: "Of course, we won't take anyone's word for it."

Every day, Americans take the word of Food and Drug Administration's career scientists on the safety and effec-

tiveness of the prescriptions they approve when we purchase 3.8 billion prescriptions a year. Let me say that again. We take the word of the FDA career scientists every day when we purchase 3.8 billion prescriptions each year.

I asked Dr. Stephen Hahn, the FDA Commissioner, on September 23, about the safety of a potential COVID-19 vaccine. He was testifying on COVID-19 in front of the Health Committee, which I chair and of which the Senator from Indiana is a valued member. I asked him:

Dr. Hahn, who makes decisions about safety and efficacy at the FDA? Do you do it? Do career scientists do it? Or does the White House do it?

Dr. Hahn replied:

Career scientists at the FDA do it. That's very clear. I'm briefed on all major medical product decisions. Overruling a center's decision is a very rare event. I have expressed on multiple occasions my intention, and have done so during this COVID-19 pandemic, to make sure that those decisions are made by career scientists in the centers.

I followed up by asking Dr. Hahn's confidence in taking a COVID-19 vaccine himself. I said:

You referred to this, but once FDA approves a vaccine, and as we've said today, we're going to have tens of millions of doses ready, none can be distributed until FDA approves it. Will you be willing to take that vaccine for you and for your family?

He replied:

Absolutely. Yes. Mr. Chairman, I have complete and absolute faith in the expertise of the scientists who are terrific at FDA. If they were to make a determination that a vaccine would be safe and effective, I would do that. And I would encourage my family to take the vaccine.

Those are the words of the man whose job it is to finally approve any COVID-19 vaccine.

But then, at the beginning of this month, as FDA was preparing to issue additional guidance on the data needed from vaccine developers to demonstrate safety and efficacy for an emergency use authorization, there were serious questions about whether the White House was politicizing the FDA's approval of vaccines for COVID-19.

The FDA had submitted its guidance. That guidance was written by career scientists. Those scientists had decades of experience, and what they wrote were the standards that were going to be used for the approval of vaccines against COVID-19.

Then news reports of White House interference came out which suggested the White House was going to change the FDA guidance or that the White House was not going to allow the FDA to release its own guidance. Many were concerned about that, including me.

The New York Times, on October 5, had a big headline: "White House Blocks New Coronavirus Vaccine Guidelines." And it went on to say, "The F.D.A. proposed stricter guidelines for emergency approval of a coronavirus vaccine, but the White

House chief of staff objected to provisions that would push approval past Election Day." That was the New York Times.

And FOX News said: "Trump administration to block FDA guidelines that could delay coronavirus vaccine." That is FOX News. "The FDA proposed stricter guidance last month that could prolong the timeline for a vaccine," FOX News said.

There were many stories to this effect. I could barely leave my office without some reporter asking me if I was concerned about this, about the politicization of the vaccine review process.

So I telephoned White House Chief of Staff Mark Meadows, and I asked him about it. I said to him: "Please do not interfere with the standards set by the career scientists at FDA for the approval of a COVID-19 vaccine." The White House did exactly what I urged the White House to do. The White House respected the decisions of the career scientists. They did not change one word of the standards set by the career scientists for the approval of COVID-19 vaccines.

So I would suggest that the Governors of New York and California do the same. They should show the same respect to the FDA career scientists that the White House did. Undermining the FDA's gold standard of safety and efficacy by setting up State review panels could delay approval, discourage Americans from taking the vaccine, and cost lives.

There is a reason why we Americans rely on the Federal Government's Food and Drug Administration for the safety and efficacy of vaccines. In 1902, Congress decided, when it passed the Biologics Control Act, that the Federal Government should regulate vaccines after tragic incidents of children dying from contaminated diphtheria antitoxin and smallpox vaccines.

This law charged the Federal laboratory that would later become the National Institutes of Health in 1930 with ensuring the "safety, purity, and potency" of biologic products such as vaccines.

Then, in 1972, the regulation of vaccines moved to the Food and Drug Administration, to what is now called the Center for Biologics Evaluation and Research.

FDA, therefore, has had almost 50 years of experience to refine the process for reviewing safety and efficacy for vaccines, including what data to look at and how to design clinical trials to prove that the vaccines work and that the vaccines are safe.

Earlier this week, the FDA convened independent scientific and medical experts to discuss this. They talked about the development, authorization, and approval of vaccines for COVID-19. This is not a new process for assessing vaccines. The FDA routinely convenes these type of independent panels to help inform its review. Dr. Peter Marks, head of the Center for Biologics

Evaluation and Research, at FDA, wrote this about the vaccine advisory committee's role on FDA's website:

The committee will hear presentations from experts in COVID-19 disease and vaccine development, as well as from career FDA scientists. Topics will include studies needed to support authorization or approval, post-marketing safety studies needed following an approval, and what would be necessary for ongoing safety monitoring following issuance of an emergency use authorization for COVID-19 vaccine.

Dr. Marks continued:

There will also be a part of the meeting during which members of the public will have an opportunity to speak and provide input, and this will be followed by a thorough discussion of the issues by the committee members. The members of this committee are external scientific and public health experts from around the country, specializing in fields such as immunology, virology, infectious diseases, pediatrics, vaccine development, and vaccine safety.

This meeting, and any other FDA advisory committee meeting, can be viewed by the public. At the Senate Health Committee hearing on September 23, where FDA Commissioner Stephen Hahn testified, I reviewed the three steps that have to happen before FDA will approve a vaccine: No. 1, independent experts overseeing clinical trials determine whether there is enough data available for the FDA to review.

No. 2, after demonstrating safety and efficacy based on clinical trials, the vaccine manufacturer submits an application to the FDA.

And No. 3, FDA experts conduct their review and make the final determination whether or not it is safe and that it works.

In other words, no one knows when the vaccine will be ready to distribute. No one knows that, even Dr. Hahn. And why does he not know it? Because there is this elaborate, independent, public process established by career scientists, with not a word changed by the White House, that will review the data and then make a decision. Because of the work of Congress and the administration, tens of millions of doses are being manufactured. So when that approval comes—whether it is November, December, or January—there will be tens of millions of doses of vaccine ready to distribute to the American people. But that approval won't come until the career scientists' rules are followed.

The FDA is considered the gold standard in the world, in part because it is one of the few regulatory agencies in the world that looks at detailed clinical trial data as part of its review, rather than summaries of clinical trial data.

The FDA Division making the decision to approve or authorize a vaccine for COVID-19 is led by experts with decades of experience, including Dr. Peter Marks, whom I mentioned, the head of the Center for Biologics Evaluation and Research. He has been at the center since 2012. Dr. Celia Witten

has been at FDA since 1996. The Vaccine Division of the Center for Biologics Evaluation and Research is led by Dr. Marion Gruber, who has over 20 years of experience in regulatory review and approval of vaccines and biologics. The Deputy Director of the Vaccine Division, Dr. Philip Krause, has 10 years of experience at FDA working on vaccines. FDA will also have the advice of independent advisory committees.

California and New York—no State will be able to assemble a scientific panel of experts with the same high level of knowledge and experience reviewing safety and efficacy information as exists at the Food and Drug Administration. Democratic Governors in those two States should not both be telling President Trump that he ought to follow the advice of scientists like Dr. Fauci, which he should do, but at the same time undermine the review and the work of similar career scientists at the Food and Drug Administration.

Vaccines save lives. We have heard testimony in our Health Committee demonstrating that. Undermining public confidence in vaccine risks not only our ability to combat COVID-19 but acceptance of other vaccines as well.

If California and New York can override the FDA on vaccines, what would prevent Republican Governors from banning RU-486, the abortion drug, in their States? If that were to happen, I am sure my Democratic colleagues would cry politics and suggest that if FDA has reviewed and approved a drug and said it is safe and effective, then, States should not be able to say that it is unsafe.

FDA is the right agency to review and approve vaccines and drugs and medical devices. I would urge the Governors of California and New York not to set up their State review panels but instead focus their time and resources on planning to distribute the vaccine and improving testing and contract tracing, using the resources that Congress has given to States, rather than second-guessing the efforts of scientists at the Food and Drug Administration.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H. R. 1

Mr. SCHUMER. Mr. President, well, for more than year and a half, Leader McConnell and Senate Republicans have refused to take action on the House-passed For the People Act at a time when our democracy is under siege in so many ways. The For the People Act is a bold proposal that will restore people's trust in our democratic system, a trust that is fading. It is for the people. In order to make a

more perfect Union, it would shore up our elections from threats from abroad. That is something we have just recently read more and more about. Why aren't we doing more on that?

In fact, when Senator VAN HOLLEN, a few days ago, put on the floor a UC of an act that would say Russia should have sanctions imposed on it if they interfere with our elections, the other side blocked it. I hope they are not following Donald Trump's obeisance to Russia and his view that Putin is just OK.

It would also dismantle systematic hurdles that discourage voter participation. One of the worst things the Supreme Court has done—and there are quite a few under this conservative majority—is the Shelby decision, where Justice Roberts, leading the charge, said: We can dismantle the toughest protections under the Voting Rights Act. He said: States aren't going to discriminate anymore.

And within a year, 20 States passed laws making it harder to vote. That is despicable. That is an awful case.

It would help beat back decades of loose finance rules that empowered special interests at the expense of the American people. We all know about the dark money that is cascading into our system. In fact, SHELDON WHITEHOUSE yesterday asked to make that public, to disclose those kinds of contributions when it came to the Supreme Court, where rightwing money pours in to make sure that rightwing nominees get on the Court and move to pull the American agenda so much further to the right than the American people ever would.

Well, in general, there is too much dark money, too much special interest money. This would undo it. As election interference remains an urgent threat, as efforts to disenfranchise voters—especially voters of color, young voters, and low-income voters—persist, and as powerful special interests continue to exercise outside influence in our elections, the need for this legislation couldn't be more clear.

Unfortunately, the Republican leader has other priorities. Rather than strengthen our democracy, rather than protecting our right to vote, rather than fighting big money or tackling corruption, rather than addressing any of the myriad of problems in our democracy that this country faces, Leader McConnell is undoing democracy by rushing through a lifetime appointment to the Supreme Court mere days before an election.

You couldn't find a more different set of priorities from that of everyday Americans if you tried. I urge Leader McConnell to stop this unprecedented and nakedly partisan process and instead put this important legislation on the Senate floor for a vote now. Let's discuss it. Let's debate it. Let's not just reject it at a time when we need to do so much of this.

In order to proceed to the consideration of H.R. 1, For the People Act, I

ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Indiana.

Mr. BRAUN. Mr. President, reserving the right to object, I want to go through just a few—and it is really more than a few; it is a lot—of what is embedded in this bill. I would call it the “Democratic Politician Protection Act.” Let’s listen to a few of these things.

The Constitution vests primary responsibility in the States to set time, place, and manner of elections. States and localities have determined how to conduct elections for a long, long time. H.R. 1, through a top-down, Federal approach, completely reverses this long-standing tradition. Rather than strengthening the election process, it paves the way for rampant, I think, fraud, abuse, and litigation that diminishes the value of a legitimate vote, by doing these rushed reforms.

Let’s look at the 2018 midterm elections. Polling showed that 92 percent of voters found their experience very easy or somewhat easy. Why fix it if it isn’t broken? It imposes a DC-style election process on the States, requiring all State agencies and Federal agencies, including colleges and universities, to automatically register voters, including those who are 16 and 17 years old. It preempts State registration deadlines and requires same-day registration without verification safeguards. It expands the number of agencies that must contribute voter records, even to those who have no experience or expertise in voter enrollment, forcing States to accept a sworn statement as proof of identity, instead of photo identification, and to record the vote as a regular ballot. It expands absentee ballot availability and requires States to provide prepaid postage for all mail-in ballots.

It does so many things that are different from what we currently have in a system that in most places is working fine. It does not include provisions that require or encourage States to remove inaccurate voter information. It reduces the integrity of voter rolls by restricting the State ability to maintain voter rolls and records that ensure voter identity accuracy.

There are no penalties for anyone who is falsely registered. It prohibits States from being able to continue routine maintenance on their own voter lists. It also creates numerous private rights of action that pave the way for trial lawyers to sue when the results of an election are not to their liking.

It makes the Federal Election Commission a partisan body. It politicizes the FEC by changing the neutral, evenly divided, six-member body into a five-member panel. It makes a new partisan FEC. It changes the latitude to determine and interpret the subjective enforcement test established by this bill. It, in essence, takes what is working and complicates it with a top-down Federal system.

We should not be rushing into something like this that is that comprehensive. We should be paying attention to the process of getting a bona fide judge across the finish line, which I think most of us intend to do.

Therefore, I object to this bill and to moving to legislative session.

The PRESIDING OFFICER (Mr. ROMNEY). Objection is heard.

The Democratic leader.

UNANIMOUS CONSENT REQUEST—H.R. 5619, H.R. 5572, H.R. 4861, AND H.R. 4585

Mr. SCHUMER. Mr. President, I have another request.

As Americans face job loss, health crises, isolation, and enormous daily stress during the pandemic, the risk of suicide has tragically gone up. The CDC found that since the pandemic began, twice as many Americans report serious consideration of suicide. The rate of suicide risk is especially high among young Americans, minorities, essential workers, and caregivers.

Unfortunately, this is hitting our Armed Forces, as well. The Army’s Chief of Staff, General McConville, stated that he sees a correlation between COVID and a rise in military suicides. My office recently received a note, a tragically sad note, from a veterans group in Rochester, NY, about a veteran in their region, 50 years of age, unemployed, and struggling during the pandemic. When he stopped receiving the \$600 unemployment assistance, he was unable to make his mortgage payments and, unfortunately and sadly, very recently committed suicide.

I have no doubt that there are more American veterans out there who are going through the same struggle. Each one is a separate and heartbreaking tragedy. These men and women who risked their lives for us are taking their own lives. It is incumbent upon us to do something about it.

Congress can implement suicide prevention initiatives. We may be able to make a difference. The House has passed a number of bills to get suicide prevention funding and new resources out to communities.

I am going to ask that we go into legislative session to consider four of those House-passed bills. This pandemic has taken so many lives, and we sometimes forget that it is not just those who contracted COVID, but those who are pushed to unimaginable stress and devastation because of what COVID has done to our economy, our friends, and our way of life. The Senate should be passing these bills and helping out those who may be hiding in the shadows but crying out for help.

There are four bills. I think I will ask for consideration on the four of them en bloc; is that permitted?

The PRESIDING OFFICER. It is by consent.

Mr. SCHUMER. In order to proceed to the consideration of H.R. 5619, Suicide Prevention Act; H.R. 5572, Family Support Services for Addiction Act of 2020; H.R. 4861, Effective Suicide Screening and Assessment in the Emer-

gency Department Act of 2020; and H.R. 4585, the Campaign to Prevent Suicide Act, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Wisconsin.

Mr. JOHNSON. Reserving the right to object, when the COVID crisis first hit, this body, all of Congress, recognized how serious the situation was, and we acted. We acted in a very bipartisan fashion. We acted in a massive fashion, as a matter of fact.

We understood that the American people, through no fault of their own—businesses were shutting down, people were unemployed—and we needed to provide a massive level of relief, and we did that in a bipartisan, almost unanimous fashion.

All the needs have not been met. Republicans completely understand that, which is why we spent the August recess in daily calls, talking amongst ourselves, trying to focus and target where the relief is best directed.

What we understood when we passed the more than \$3 trillion of COVID relief in the early parts of this pandemic was that our efforts were going to be far from perfect, but they needed relief and, again, we supported it.

One of the things we were trying to focus on, when we are already \$27 trillion in debt, was recognizing the fact that we don’t have an unlimited credit card; that we had to really take the time and hone the next relief package.

We did that over the August recess, and we came together with a very targeted, very appropriate, and still a very expensive package, over \$600 billion when you add up the plus-up for unemployment benefits, \$300 per week, a level that is sufficient but not so high that it actually provides incentive for people to stay on the sidelines and not enter the workforce.

In my State of Wisconsin, one of the biggest problems employers have is they simply don’t have the ability to track people off the sidelines when you have a \$600 plus-up. We provided additional funding for PPP, particularly for small businesses that have been devastated. Owners have seen their life savings wiped out. That additional over \$200 plus-up in relief for small businesses would be targeted, would be appropriate, and it is necessary.

There is over \$100 billion for schools, tens of billions of dollars for additional testing and vaccines, billions of dollars for childcare and agriculture. In total, on top of \$3 trillion, which is 14 percent of our GDP—by the way, a fair amount of that is still unspent and unobligated. We took a little bit of that which was unspent and unobligated and repurposed it for this new targeted package.

Fifty-two Republican Senators voted for that bill twice. Rather than take yes for an answer, rather than saying: Thank you, we will support this level of relief for the American people, our colleagues on the other side of the aisle just said no.

An analogy I have been using would be, Mr. President, if I said: Mr. President, give me \$200. The Presiding Officer would look at me in shock, but because he is a generous individual, he would say: Maybe not \$200, but I will give you \$100. But just because the Presiding Officer didn't give me the full \$200, I would go stomping off, and I don't even take the \$100. That is, in effect, what the Senators on the other side of the aisle are doing.

We are offering and we supported \$600 billion on top of \$3 trillion in relief—necessary relief, needed relief for unemployment benefits, for small businesses, for vaccines, for testing, for education, for childcare. It is there for the taking. All they have to do is say yes. Yet they say no because they would rather have an issue rather than result.

Are they serious about helping the American public or do they just want to play politics? I think the answer is quite obvious.

I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. SCHUMER. The emaciated bill filled with poison pills that the Senator from Wisconsin talks about was never intended to pass. In fact, the Republican majority leader waited 5 months before doing anything while people were suffering. The bill does not contain close to what is needed.

Basically, his analogy is incorrect. The analogy would be saying: You have a series of serious illnesses; let's treat one because we don't want to pay for the others—even though we were willing to increase the deficit by close to \$2 trillion by giving a tax break to the wealthy.

So this cry about deficit, when it comes to helping middle-class people, hurting people, unemployed people, people who can't feed their kids, no, it is the deficit. When it comes to giving a big tax break to wealthy corporations and wealthy people, that is fine.

As much as I respect my colleague from Wisconsin, I don't really take his words very seriously. Our Republican friends put this emaciated bill on the floor at the last minute because they got such pressure for doing nothing. They know it can't pass the House. They know it is totally inadequate.

This is the greatest economic crisis since the Great Depression, the greatest healthcare crisis for 100 years since the Spanish pandemic flu, and our colleagues do next to nothing in terms of the crisis. This is loaded with poison pills so they know it can't pass. They know it can't pass the House, and they waited 5 months.

The American people know it. When they are asked: Who wants to solve this problem, they know that it is the Democrats in the Senate and House who want to and the Republicans have resisted. There is no question about it.

The bills I just asked for are small bills, not very expensive, that deal

with suicide. Of course, the answer is no again. It is sad and unfortunate. Fortunately, the American people will be able to have a real say, not on the Supreme Court Justice they are rushing through but on who will be the next administration and who will do more. We will see what their answer is.

Mr. BROWN. Will the Democratic leader yield?

Mr. SCHUMER. I would be happy to yield.

Mr. BROWN. I hear Senator JOHNSON talk about employers can't find workers. There are 600,000 in my State who lost their unemployment insurance just like that at the end of July. Six hundred thousand people lost \$600 a week.

I go back to March, when we passed this bill that was so important it passed unanimously. There was one amendment Republicans wanted for this \$2.5 trillion bill. It was to strip out unemployment insurance so that those workers didn't get the \$600 a week. What are they to live on? Six hundred thousand people in my State can't find work, 100,000 in Wisconsin, even more in New York, tens of thousands in Iowa and Utah. What are they to do?

We know there is going to be a wave of evictions and foreclosures as people are thrown out of their apartments and their homes.

This Congress continues to—the Senate just won't do its job. Do your job. If Senator MCCONNELL would do his job, we could do our job and get this economy back on track.

Thank you.

Mr. SCHUMER. I would add one final thing. The bill that the Senator from Wisconsin talks about was totally partisan, which they know can't pass. Then, when Leader MCCONNELL put it on the floor, he filled the tree so it couldn't even be amended.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### NOMINATION OF AMY CONEY BARRETT

Mr. GRASSLEY. Mr. President, the Senate will soon vote on the confirmation of Judge Barrett to become Associate Justice of the U.S. Supreme Court. I will be voting in favor of her nomination, and I urge my colleagues to do just the same.

As was made clear to millions of Americans who watched her hearing, Judge Barrett has the temperament, the modesty, and the humility that we should all expect in a judge. She approaches cases without bias or personal agenda. She made that very clear to almost every question asked to her by every member of the Judiciary Committee.

Most importantly, Judge Barrett understands the proper role of members of the Judiciary and our constitutional system of separated powers. That is, a judge should interpret—not make—the law. Making law is, under the Constitution, the responsibility of the Congress, not the Supreme Court. She also made that very clear in almost every ques-

tion that she was asked by members of the Judiciary Committee.

Judge Barrett has an impressive command and, of course, the respect for the law and the Constitution. Clearly, from her testimony, she respects precedent, and she practices judicial restraint. In her words: "A judge who approaches a case as an opportunity for an exercise of will has . . . betrayed her judicial duty."

She went on to explain to the committee her legal method, how she considers statutes and the Constitution and how she interprets and applies the statutes and the Constitution. Her judicial method is rigorous and exacting but fair. She testified that she would listen to both sides in every case. She said: "We want judges to approach cases thoughtfully and with an open mind."

When pressed on how she might rule in a particular case, Judge Barrett promptly applied what we all know as the Ginsburg rule, and she did it just like every other recent nominee to the Supreme Court for the last 30 years when Ginsburg first told the Judiciary Committee that there would be no hints, no previews, or forecasts, and Judge Barrett demonstrated her independence by often repeating the Justice Ginsburg rule.

I specifically asked Judge Barrett if she had made any promises or guarantees to anyone about how she might rule on a case. She responded this way to my question:

The answer is no. . . . No one ever talked about any case with me. . . . I can't make any pre-commitments to this body either. It would be inconsistent with judicial independence.

To quote further:

I'm not willing to make a deal—not with the committee, not with the president, not with anyone. I am independent.

That quote or similar words were spoken by Judge Barrett to almost every suspicious Judiciary member about whom she might have made some deal ahead of time to get on the Supreme Court.

Contrary to critics' claims about her being biased, Judge Barrett is even-handed and has ruled for both plaintiffs and defendants in all kinds of cases. She believes in justice for all, in accordance with the law and the Constitution, just like we would expect everybody to say who is a lifetime appointee to the Judiciary, but we don't see all of them following that practice.

She went on to tell the committee: "I am fully committed to equal justice under the law for all persons."

When asked if she will follow the law wherever it leads, she said: "Yes." Then she said: "I have an agenda to stick to the rule of law and decide cases as they come." Yet that wasn't good enough for our Democratic colleagues and their leftist allies.

However, throughout the hearings, the Democrats and many in the media deliberately misrepresented Judge Barrett's views on the Affordable Care



Act. They claimed her critique of Chief Justice Roberts' reasoning in the 2012 ACA case will dictate how she will vote in some upcoming cases. They obviously didn't listen to her when she had no preconceived notions about any case and had made no promises to anybody.

The Democrats even pushed the story line that Judge Barrett signaled to President Trump that she would support invalidating the ACA if she were confirmed to the Supreme Court. That is nonsense. Judge Barrett made it clear that she didn't have an agenda. She testified: "I have no hostility to the ACA."

Legal scholars critique court decisions all the time even when they don't disagree with the outcome. For instance, Ruth Bader Ginsburg, before her nomination, criticized the Court's reasoning in *Roe v. Wade*, but no one claimed that Ginsburg didn't support the outcome of *Roe v. Wade*.

Judge Barrett's critique of Roberts' reasoning was shared by many legal commentators across the political spectrum, including by ones on the other side of the aisle. Even President Obama rejected the notion that the Affordable Care Act was a tax instead of a penalty. The question of its being a tax or a penalty and the constitutionality or the unconstitutionality of the ACA was what they were critiquing based on Roberts' decision to uphold the constitutionality of the ACA, for it could be constitutional under the taxing powers of the Congress. Even Roberts didn't pay any attention to that fact. We even had Democrats saying that the penalty for the individual mandate was a penalty and that it wasn't a tax. Moreover, Judge Barrett's critique of Justice Roberts' reasoning dealt with an interpretation or a provision that is no longer in effect because we did away with the individual mandate.

The question before the Supreme Court this fall, then, will be entirely separate, and it is pointless to speculate. Yet the Democrats wasted much time on that type of speculation—question after question, Democrat after Democrat, on that side—when they were questioning her.

Senate Democrats want to portray Judge Barrett as a threat to healthcare. They want to distract from the fact that they recently filibustered a COVID relief bill that would have protected preexisting conditions. This all is just a Democratic election year scare tactic, and they are using it almost totally as a reason to vote against Judge Barrett.

It happens, though, that the voters aren't buying it, that the public is not buying it. A recent Politico poll shows a majority of Americans wants the Senate to confirm Judge Barrett, and a recent Huffington Post poll says: "Voters favor the confirmation of the Supreme Court nominee Amy Coney Barrett by a 9-point margin."

She will be confirmed. That is what we are going to do on Sunday into

Monday. Maybe our Democratic colleagues will finally show up for work, do their job, and give Judge Barrett an up-or-down vote on the merits because I think the public knows now, if it were listening in to the Judiciary Committee as it was voting her out, that the Democrats boycotted the committee's deliberation. Let's not forget that, just 4 years ago, the same Senate Democrats declared that the Court needed nine to function properly. Judge Barrett is that ninth. Only 4 years later, they don't seem to think so.

Judge Barrett is a jurist of honor, of integrity, and of great principle. The Judiciary Committee received a number of letters in support of her nomination. They all praised her intellect, her judgment, her collegiality, and her kindness. We all saw that kindness as she testified over a 3-day period of time.

Judge Barrett won't be a politician on the Bench. She will make decisions as they should be decided—in an impartial manner and in accordance with the law and the Constitution. I am pleased to vote in favor of Judge Barrett's confirmation to be an Associate Justice of the Supreme Court, and I urge my colleagues to support her as well.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, that sounded really good.

Senator GRASSLEY knows, of course, she was a good witness. Of course, she didn't take positions. Of course, she said she made no promises. Of course, Judge Barrett said she was open-minded. Cut through it all. I am not a lawyer, and I don't serve on the Judiciary Committee. I don't think Senator GRASSLEY is a lawyer, but I am not really sure. Maybe he is. I might be mistaken, and I apologize if he is.

Yet we all know why she was nominated. President Trump said why she was nominated. President Trump has been very explicit in saying that he wants a judge who will overturn the Affordable Care Act and that he wants her there quickly because the Affordable Care Act hearings begin soon after the election. He wants a judge who will undermine women's rights to make their own decisions about their own healthcare. He is putting her on because he knows she will oppose workers' rights. He is putting her on because he knows she will oppose marriage equality. He also wants her on quickly because he said: I want her there when the election is contested after the election.

So, of course, Senator MCCONNELL always does the bidding. Senator MCCONNELL comes out of his office. I assume he gets many of his marching orders from the President of the United States. He comes down here, and 51 spineless Senators—and then there is the Senator sitting in the Presiding Officer's chair, and I appreciate his courage—do whatever the President tells MCCONNELL to tell them on issue after

issue after issue. I mean, that is the way this place works. That is the corruption of this place. The President of the United States has said: I want her confirmed now because I want her there to decide the election that I am going to be involved in, and I want her there now so she can overturn the Affordable Care Act.

Of course, Judge Barrett said to the committee: Well, I have made no promises. I have made no commitments. I have not cut deals with anybody. Of course, she says that, but the fact is that this is why the President nominated her. We know that.

As a result, in my State, I know what the Affordable Care Act has done for the last decade. There are 900,000 people who have insurance who didn't have insurance before the Affordable Care Act. More than 100,000 people under the age of 26 have been able to get health insurance because they have been able to stay on their parents' healthcare plans. There are a million seniors in Ohio who have gotten free preventive care—screenings for osteoporosis, physicals. More than 100,000 Ohio seniors have saved an average of \$1,100 on their prescription drugs because of the Affordable Care Act. Maybe, most importantly, 5 million Ohioans have preexisting conditions. This was before the coronavirus. Now that number is higher. There are 5 million Ohioans who have had their preexisting conditions covered over the last decade. Why? Because of the Affordable Care Act, those people with preexisting conditions have been protected. Insurance companies can't raise their rates because of preexisting conditions, and they can't cancel their insurance because of their preexisting conditions. Those will be gone. The protections for preexisting conditions will be gone if the Affordable Care Act is gone. Protections for people under 26—their staying on their parents' plans—will be gone if the Affordable Care Act is overturned by the Supreme Court.

Now, they couldn't do it democratically. They couldn't do it because the citizens of this country didn't want it repealed. So President Trump has gone to the courts to legislate so they can overturn it. We know all of that.

That is why the comments of my friend from Iowa are just disingenuous. He knows that. Of course, she didn't sit in front of the committee and say: Yes, I made a deal. Of course, she didn't sit in front of those on the committee and say: I have strong feelings about the Affordable Care Act and gay rights and women's health. She is not going to say that. I am not a lawyer, but I know enough to know that she is not going to go to the committee and say that.

We know what it is about. It is about repealing the Affordable Care Act. It is about taking rights away from LGBTQ citizens in this country. It is about taking rights away from women. Maybe it is also about fixing the election. Deep down, the President and Senator MCCONNELL know they are not



going to win the election this year, so they want that ninth vote in the Court just in case the President brings a lawsuit. If it ends up in the Supreme Court, he and the Republicans will have appointed six of the nine Justices. That is the game in town. That is what we know is rigged.

So many millions of Americans are frustrated and angry with the way the President has failed the country during this pandemic. We know we have 4 percent of the world's population but that 22 percent of the deaths in the world are of Americans. It is not because we don't have good doctors in Utah or in Wisconsin or in Ohio; it is because of terrible Presidential leadership.

President Trump and Senator MCCONNELL have essentially left the country to fend for itself during this pandemic. The stock market is up, so Trump and MCCONNELL seem to think everything is fine. The stock market is up. What the heck? They are oblivious to the families staring at stacks of bills. They are oblivious to the small businesses that are watching years and, in some cases, often decades of hard work and investment—or they are family businesses going back many, many decades—evaporate in a few short minutes, but the stock market is up, so Trump and MCCONNELL seem to think everything is fine.

It is the same story over and over again. Corporate lobbyists, their allies in Washington do whatever it takes to make sure Wall Street recovers, and then they say: Oh, no, we really can't afford to help anyone else.

I hear from small, family-owned businesses all the time, how they are struggling. They are under incredible stress. They are worried about whether they can make rent or make payroll. They have waited on the phone for hours and couldn't get answers about loans. These folks aren't lounging in a C-suite corner office. They don't have high-priced lawyers and accountants who can do all the paperwork. They don't have the lobbyists who line up outside MITCH MCCONNELL's office helping them. They are fighting for their dreams.

We know why they are struggling. We know why some of them still can't open their doors 7 months—7 months—into this crisis because the President and this Senate have so botched this crisis.

Again, 4 percent of the world's population, 22 percent of the world's deaths, and the President said: I take no responsibility. The President said: Not my fault. The President said: I get a 10 out of 10 for how I have managed this.

President Trump has no plan, never has, to control the virus. He has not even tried. Imagine if President Trump, back in March, instead of lying to the American people—he knew how serious it was. He told his Wall Street friends, and he told that reporter from the Post. I can't remember his name. He told them it was serious, but he didn't tell the American people. He lied to us.

Imagine, instead, if the President had worn a mask and stood up and treated us like adults and said to the American public: You know, this is really serious. This could turn from an epidemic into a pandemic. We have to fight back. I am wearing a mask. I ask every American to wear a mask, just like we ask people to wear seat belts and stop at stop signs. I want every American to wear a mask. I want people to socially distance so we can get this—but he didn't do any of that. Of course he didn't do any of that.

And he also came up with no national testing, contact tracing strategy. He didn't invoke the Defense Production Act so that we could make cotton swabs and gloves and masks and gowns and all the things we needed to do to stay safe. He had none of that.

He has no guidance on how businesses are supposed to protect their customers, no investment of our vast resources to help them do it.

And we see the results. We saw them in April and May, in June and July, in August, in September, and now October. In fact, in my State, as in many States, there are more coronavirus diagnoses every day—almost every day—than there were a month ago, 2 months ago, 6 months ago.

Local restaurants are closed for good. The big chains may recover. Communities that already didn't get a lot of investment—Brown and Black neighborhoods, rural communities, places you can't see from Trump Tower—those places are seeing their home-grown businesses shut their doors and lay off workers.

Black-owned businesses have closed at twice the rate of White-owned businesses. We know Latino- and Asian-owned businesses are getting disproportionately hurt.

Our office hears from so many of these Ohio businesses. We have done a series of virtual roundtables with Ohio restaurants.

One Ohioan in Zanesville talked about taking over the family business his dad first started 67 years ago. Business is down significantly. He tries to pay his employees a living wage and give them time off for vacations and family needs. He is a really good employer. He is afraid of letting his employees down.

Another, a bar owner in Bellefontaine, told us his sales are down and he is worried about his own businesses. When he wrote to me, he didn't just talk about himself. He said that he is worried about the ripple effects on the farmers and suppliers, the truck-drivers, and so many others.

Now he is dreading the winter, when he won't even be able to use the patio. He wonders what he is going to do, what the suppliers are going to do.

And it is not just restaurants. The media reported on a newsstand in downtown Cleveland, owned by Mr. Patel, an Indian immigrant who came to Ohio and has lived the American Dream. He built a better life, started

his own business, was employing other Clevelanders. Now the office building is empty. The food court is closed. His sales have dropped from \$700 a day to just \$200 a day. He is looking at impossible choices unless the government helps.

We know we can. We did it in the spring when we passed payroll protection. There were all kinds of implementation problems. The Secretary of the Treasury and the President seemed more interested in the big guys than the little guys. Too many businesses went to the front of the line, but despite all that, we hear from businesses that are open today only because of PPP.

I heard from Spangler Candy in Bryan, OH, a family-owned union company. I have toured their plant and seen the great work this, I believe, fourth generation management team has done.

They have seen business drop 70 percent. They had to take their first Federal support in their 114-year history, using PPP to prevent layoffs. They kept their doors open, and they provided pandemic premium pay for their Teamster employees.

A music and arts venue in Youngstown, the Westside Bowl, talked at one roundtable about how they how had zero dollars in revenue in the past 6 months. PPP kept their office staff and stagehands on payroll, but as it runs out, so will their ability to pay employees.

Ohio Star Forge, a parts manufacturer in Warren, just north of Youngstown, represented by the Steelworkers, lost 90 percent of their business when auto plants shut down. PPP made a difference. They are now back to about 70 percent of their capacity.

Polter's Berry Farm is a family farm in Fremont. One of their crops is pumpkins. The major pumpkin buyers are amusement parks and fall festivals. Pumpkin sales were down. PPP was helpful, but now they are worried about whether they can repay it.

A+ Cleaners in Dayton has seen demand plummet. People don't need much dry cleaning when they are working from home. They were able to stay open with an EIDL loan and a CARES Act grant from the county. They are terrified of what happens when the money runs out.

We have a bill to get more help to these businesses—the Small Business Lifeline Act. It would extend PPP through at least next spring. It would get more funding to the program so they can get more money out the door to these businesses. It would specifically target help to the truly small businesses that need it the most, including minority-owned businesses. It would extend the debt relief program. It would get help to nonprofits that we know are hurting just like businesses are.

As important as these steps are, we can't just give businesses loans and think that will take care of it when the

virus is still raging and the customers don't have jobs.

That is why we need a comprehensive bill that actually meets the magnitude of this crisis. This visceral, decades-long opposition from my colleagues to unemployment insurance—I don't know how they don't realize that when 600,000 Ohioans are getting \$600 a week, they are spending that money at local businesses. They are keeping the economy going from just a total crevasse. They are helping the economy. They are helping local businesses. They are giving those businesses revenue, but when the \$600 just stops, not only are those 600,000 Ohioans' lives just so, so difficult, but it makes the businesses of which they are patrons, the businesses that they patronize—it obviously hurts them at their bottom line.

I think the stories from these businesses really get to the fundamental question of what sort of country we want to live in. When we invest in small business, we invest in people and communities, not stock buybacks, not executive bonuses.

I know that Senator MCCONNELL and his colleagues here always are looking out for the stock market, always are looking out for Wall Street, always want to hear about stock buybacks and executive bonuses. I know that is their thing. But during a pandemic, I wish it were less their thing.

The stakeholders in these businesses are not nameless, faceless shareholders. They are the owners' neighbors. They are family members. They are the people we see or used to see at our kids' schools, in the grocery store, and at church.

A year from now, do we want to be left with only the biggest companies that follow the Wall Street business model that treats workers as expendable?

Ohioans know all too well what happens when you let Wall Street run things and you ignore Main Street. Our communities have watched for decades as factories closed and investment dried up and storefronts were boarded over in towns and cities that once were thriving.

When people in those towns wake up, they realize the only jobs you can get are at a big-box chain for rock-bottom wages with no healthcare, no paid sick leave, no power over your schedule. Is that what we want for our future?

We have the resources to fix this. We are the greatest, richest country in the world. Let's rise to meet the moment. Let's pass a comprehensive bill that gets help to our businesses, our workers, and their customers. And let's get the communities the support they need.

Mr. President, in order to proceed to the consideration of H.R. 986, the Protecting Americans with Preexisting Conditions Act, which the House passed with bipartisan support, I ask unanimous consent that the Senate proceed to legislative business.

The PRESIDING OFFICER. Is there objection?

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, reserving the right to object, where do you begin? That was quite the statement.

At some point in time, it just becomes galling to listen to the tactics—the scare tactics and false allegations, particularly from the other side that gave us the Affordable Care Act, an Orwellian-named bill if there ever were one.

One of the promises made to promote that bill was, in the end, determined to be the PolitiFact Lie of the Year—I think in the year 2013: If you like your healthcare plan, you can keep your plan. If you like your doctor, you can keep your doctor.

Millions of Americans lost their healthcare plans. They lost their doctors. Premiums didn't decline by \$2,500 per family; they actually skyrocketed—sometimes two, three, four times the price because of the faulty design of healthcare, of the Affordable Care Act, ObamaCare.

Probably the greatest false allegation that is just offensive—and, by the way, to call every Member on this side spineless is offensive. We have different views. You know, you try to respect the different views if you actually want to accomplish something.

But one of the greatest false allegations—and they go back to the well time and time and time and time again about this—is the Republicans don't want to protect the coverage for people with preexisting conditions. Nothing could be further from the truth.

That was an argument made back in 2010, and the American people decided that we should do that. Republicans agreed with the American people that we wanted to protect everybody's coverage, covering people with preexisting conditions.

We just want to do it where it doesn't cost Americans an arm and a leg. The faulty architecture of ObamaCare caused premiums to double, triple, and quadruple because they actually made a very small slice of the American public—5 to 7 percent of the people who had to buy coverage on the individual market, who don't have the employer coverage plans that cover people with preexisting conditions—they made that small percentage of the American public bear the full cost and brunt of covering people with preexisting conditions. It was not smart. It was a faulty design.

The way you fix it is, yes, you require insurance carriers to cover people with preexisting conditions, not deny them coverage, but you spread that cost over everybody.

Just as I mentioned earlier to the Democratic leader when I objected to his bill, our friends on the other side of the aisle are far more interested in an issue rather than getting a result.

How do I know this? Well, particularly on this issue, covering people with preexisting conditions, four times in just the last few days and weeks, they have voted no, first on two COVID

relief packages—the ones I was referring to earlier—the target package that does provide financial relief to the unemployed, to small businesses, to schools, to parents with childcare and provides funding for agriculture and testing and vaccines—that also included language to protect coverage for people with preexisting conditions.

Twice in the last few days or weeks, they have also voted no on Senator TILLIS's bill that does exactly that—protect the insurance coverage of people with preexisting conditions.

Now, if they were really serious about protecting the coverage of people with preexisting conditions, they would have voted yes. But they voted no.

So I could go on and on. I have jotted down all kinds of points that I would like to refute, but it is really not worth the time and effort.

Again, let me emphasize that Republicans agreed with the American people. This debate is over. We have offered proposals to do just this. We want to protect the insurance coverage of every American with preexisting conditions. We just want to do it in a way that doesn't cost them an arm and a leg like ObamaCare did.

So I personally am just getting sick of the false allegations, and that is only one of them. I could drone on and on about the false allegations made by the other side against Republicans and conservatives, but I will focus on this: This is a false charge. It is canard. It is a scare tactic. I am begging the American people not to listen to it or believe it. Republicans want to protect the insurance coverage of people with preexisting conditions. If they were serious about it, they would have voted yes on what we have already proposed; and for that and many other reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN. Mr. President, before offering another unanimous consent, I just point out there were 10 years of protections for people with preexisting conditions under ObamaCare and 10 years of speeches from Republicans about repeal and replace, with no real proposal to replace the Affordable Care Act. The President has promised it about every couple of weeks through 4 years, and he still hasn't put a real bill forward.

UNANIMOUS CONSENT REQUEST—H.R. 1230

Mr. President, in order to proceed to the consideration of H.R. 1230, Protecting Older Workers Against Discrimination Act, which passed the House with bipartisan support, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 1759

Mr. BROWN. Mr. President, in order to proceed to consideration of H.R.

1759, BRIDGE for Workers Act, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN. Mr. President, I guess I am not surprised about that, considering I hear my colleagues talk about how outrageous it is that we were spending \$600 a week to help unemployed workers, and this bipartisan bill that passed the House would help workers to get retrained and get jobs, and they are not willing to do that either, but we also know that this is a bill that—we have seen this act before.

UNANIMOUS CONSENT REQUEST—H.R. 3659

Mr. President, in order to proceed to the consideration of H.R. 3659, Danny's Law, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 4029

Mr. BROWN. Mr. President, in order to proceed to the consideration of H.R. 4029, Tribal Access to Homeless Assistance Act, I ask that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 5084

Mr. BROWN. Mr. President, in order to proceed to the consideration of H.R. 5084, Improving Corporate Governance Through Diversity Act, legislation to require corporations to disclose—just disclose the racial, ethnic, and gender composition of their boards, which again passed the House with bipartisan support, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BROWN. Mr. President, I will hold the floor for just another few moments.

I have watched Senator MCCONNELL—and I am sorry to call some of my colleagues spineless, Senator JOHNSON, but, you know, when the President made comments about our soldiers who had died in battle, I didn't hear hardly any Republicans speak up. I admire the courage of the Presiding Officer. I admire Senator MURKOWSKI and her courage over a number of things. But I see my colleagues—I hear what you all think. I know what Senator SASSE said during that townhall. I know many of

you, if not most of you, maybe all of you—probably not—think that about the President's lack of integrity and lack of character and dishonesty and the lies he tells. And I know, I have watched, and I sat right here and I looked across the aisle during impeachment and I saw the look of fear in my colleagues' eyes because they didn't want to cross the President; they didn't want to get the President to tweet about them or even get a primary opponent to them. That is why I use that term, but more importantly to the citizens of this country, we spent most of the last month after month after month after month, confirming very conservative, very young judges. I understand why you want to do that, but we are not doing anything for the public.

We had a high moment in March when Senator JOHNSON said we unanimously approved the CARES Act. A study shows the CARES Act kept 12 million Americans out of poverty. But then we ask to continue the CARES Act and do something similar like the Heroes Act, and instead Senator MCCONNELL—and I know the lobbyists that line up in front of his door, I know they have a lot of influence on him, but we saw Senator MCCONNELL say: no urgency, no urgency.

My favorite Abraham Lincoln quote is Lincoln wanted to—his staff wanted him to stay in the White House and win the war and abolish slavery and protect the Union, and they wanted him to stay in the White House. And he said: No, I have to go out and get my public opinion baths. Are none of my colleagues hearing the pain of laid-off workers who have lost their unemployment?

Haven't they seen schoolchildren—their parents saying: "I want to send my kids back to school, but they are not safe" because we aren't voting dollars to help?

I talked to my daughter last night. Just a few days ago, they announced that instead of school opening in person in Columbus next week, it is going to open in January, if even then, because we are not helping schools open.

We are not helping people avoid eviction. We are not helping local governments keep police and firemen on the streets and people who work in the parks and people who provide help for abused children and all the things that local governments do—we are doing none of that, but we have plenty of time to do judges. That is the frustration and why I made the comments I made.

It just breaks my heart that we all sit here. This is a group of pretty affluent and pretty privileged people. Yet we can't look out for people who are hurting like this country hasn't hurt for decades.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, this deserves a response.

The pandemic is an act of God. Maybe—maybe—and we don't know. We don't know what complicity China had in—the chance that it was developed in a lab in this. We just don't know. But we certainly know that China controlled the spread in China while they allowed their citizens to go all over the world and spread the pandemic. It is an act of God. It is certainly nobody's fault in the United States.

As chairman of Homeland Security, we have had before our committee the men and women in charge of these agencies who are trying to respond to an incredibly difficult situation.

I never criticized President Obama or Vice President Biden during H1N1. It was a contagious disease, and 60 million Americans were infected by it. I am not sure there is anything you really can do to prevent infections.

Now, I think we have actually been pretty successful in flattening the curve, people taking responsibility, becoming germophobes. We shut down our economy. Now, I never thought we should shut it down to the extent that we have because I have always tried to keep things in perspective, the human toll of the economic devastation of those shutdowns. But again, I find it galling when I know people like Pete Gaynor, General Giroir—the men and women—Dr. Birx, Dr. Hahn, the men and women in this administration who have been working 24/7 to respond as effectively as they can to an act of God, a pandemic.

Now, I have been on the conference calls. This administration has been as transparent as any I have seen. To accuse this administration of hiding the truth—I don't know where you were during the early months of this, but I was watching the hour- and 2-hour-long press conferences where the truth was being laid out in all its gory detail. Any American who watched that that wasn't concerned about COVID, I don't know what they were looking at. There was no hiding the ball here. President Trump and his administration made it very obvious what was at stake.

I am also aware of the fact that because of this act of God, because of this pandemic, there was an enormous demand for products that should have been in the national stockpile but wasn't there because the previous administration had run the stockpile down, and then we, all of us collectively, took our eye off the ball and didn't restore it. So the product just wasn't there. But I do know, in a very difficult situation, when demand outstrips supply by two or three times, the men and women in this administration, again, working tirelessly, allocated that PPE.

I am not aware that anybody ran out. Now, I know that everybody didn't get everything they wanted because some tough decisions had to be made. We had to surge PPE product to those hotspots, and where the pandemic wasn't raging, people didn't get everything they needed.

I am not aware of anybody who wanted to get placed on a ventilator who didn't get one because they used the war production act. We did extraordinary things in terms of ramping up production. Now we are supplying ventilators to the world.

You can overlook all these things, and you can say the administration wasn't honest with the American public, but I think the actual facts refute those charges.

Maybe in other people's world there is perfection, and in this pandemic you can stop it in its tracks. You can prevent further infections. But that didn't happen with H1N1, even though they tried. Sixty-million Americans got it. Fortunately, it was not as deadly as the coronavirus and COVID-19.

Again, among many things that are galling, the false allegations—to me, to politicize a pandemic, to politicize a virus that is killing Americans, to denigrate the efforts of the men and women in these agencies who have worked 24/7 is just simply wrong. This is not something that should divide us; that we should politicize. It is something that should unite us as prior crises in this country have. So, again, there are so many more other things I can say, but I see the Senator from Alaska is here, and I don't want to take any more time on the floor.

I yield the floor.

Mr. BROWN. One last comment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I just don't really understand what I just heard, when the President went straight to the American people and told them it was going to disappear. He said it was a Democratic, liberal hoax to bring down his campaign.

But look at a little history. I wear on my lapel a picture of a canary in a birdcage. It was given to me at a workers' Memorial Day rally, a rally to honor workers who had been injured or killed on the job.

This canary in the birdcage—you know, the mine workers used to take it down in the mines 120 years ago. If the canary died, the mine worker got out of the mine. He knew that he didn't have a union that was very strong or a government that cared very much. He was on his own. So I always cared a lot about public health. That is really the best prevention for the canary in the mine.

I wrote a letter to President Trump in 2018, after he had closed the Office of Global Health Security in the White House and essentially fired or transferred Dr. Ziemer, a Bush appointee who was one of the world's great malaria doctors. His job—he had 40 people on his staff. His job was to surveil the world and look at potential disease outbreaks that might turn into an epidemic which then might evolve into a pandemic. That was his job. The President eliminated the office. And I wrote a letter to the President asking him to reinstate it, and he didn't even answer the letter.

Then, the following year, 2019, he brought Dr. Linda Quick home from China. And her job was to make sure, if anything was happening in China, that we would know about it and could help them prevent the disease. Our CDC—our Centers for Disease Control, we are the best in the world. It was the United States of America leading the charge to eliminate smallpox. It was the United States of America that led the job to all but eliminate polio in this country. Some of us here are old enough—the Presiding Officer, anyway, will remember knowing people who had minor cases growing up in our schools. So we know what that meant. It was the President of the United States who pulled CDC employees out of China because of a trade or some—depending on when the President loved Xi or disliked Xi—I mean, it was back and forth with the Chinese leader, and we just unilaterally disarmed. Then the President denied that the virus meant anything.

I know he took care of ventilators, but other kinds of protective equipment, just talk to nurses and doctors and healthcare workers in our States—in Madison, in Cleveland, in Columbus, in Milwaukee, in Kenosha and Fairbanks and Salt Lake City.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### NOMINATION OF AMY CONEY BARRETT

Ms. MURKOWSKI. Mr. President, I want to start with a personal thank-you to the Presiding Officer for indulging me for an additional few moments here so I may speak this afternoon on the nomination of Judge Amy Coney Barrett to be an Associate Justice of the U.S. Supreme Court.

And while I intend to share with you my intention on how I will vote, I would like to start by expressing my disappointment with where we are in the Senate as a whole right now. There has been some good discussion here this morning as we are considering these unanimous consent agreements—statements being made but not action moving forward.

I had hoped that if we were going to be at this moment in time, just over a week out from our national elections, that we would be here on the floor debating the merits of a COVID relief bill. In my home State of Alaska, as in so many States around the country, we are seeing unprecedented numbers now. The news, just yesterday, Friday, was that the United States reported the highest single-day recorded positive cases—83,757—really staggering.

In Alaska, we have seen this virus spread to some of our small outlying villages, villages that are not accessible by road and villages that have limited medical facilities. We are really quite concerned about what this means for many of the Native people in these areas.

We are not able to stay on top of the contact tracing like we were some months ago because of our increasing numbers. The pressure on hospital ca-

capacity is also a growing concern. And, economically, Alaska has been hit extraordinarily hard. As most know, we have a pretty substantial tourist season, but this year, we had little to no season for us. Many small businesses have closed permanently, but many, many more are going into the winter wondering how they are going to make it through the winter and scrambling to find ways to piece it together.

Unemployment, loss of housing—in every conversation that I have with Alaskans, they are asking if and when we are going to see another round of COVID relief, and I regret that we have no deal to offer them today. Instead, we are here on a weekend, 10 days before the elections, to advance a U.S. Supreme Court nominee.

Now, I was here on the floor yesterday. I had an opportunity to listen to the majority leader as he outlined the escalation of confirmation battles over the past 30-plus years, and I think it was an important lesson in our Senate history. I am not confused about how we wound up here, but I certainly am frustrated by it. It is with a heavy heart that I just regret that we are in this place.

I think there was a worthy attempt during the 109th Congress, by the Gang of 14, to reduce tensions. There was, I think, a very genuine, good-faith effort there to try to dial things back. But, sadly, their bipartisan action was not rewarded by the voters, and perhaps that served as a warning to other Members of this body rather than an aspiration.

We heard the history lesson, and I am one who has long recognized that pointing fingers doesn't ever actually solve a problem. I personally believe that every nominee for the Supreme Court should receive an up-or-down vote after they have passed out of committee. My record has been pretty clear, pretty consistent, and some might even suggest boring in its consistency, but I made a very strong commitment after I returned to the Senate at the end of 2010 and said: I do not believe that filibustering our judges was what we should be doing.

So I might not have liked the judges that were before us, but I did not participate in a filibuster of a judge. I had an opportunity to vote up or down, and I thought that was the reasonable way to proceed. I believe that it is fair to the individual and it is fair to the institution.

But I also recognize that the timing of this confirmation that we have before us will serve to reinforce the public perception about political influence on the Court, and I would hope that we all recognize that public confidence in our courts must be an imperative. We have to believe that justice is going to be equal for all of us.

Now, I know that my colleagues are not surprised to hear me discuss my concern about the politicization of the Court. I made a similar point during the impeachment trial, when some

wanted to literally tear down Chief Justice Roberts and the Court because they needed a sound bite for a political ad in the primary campaign. I made the same case when I voted against the nomination of now-Justice Kavanaugh.

Also, during that impeachment trial, I implored the Members of this Chamber to look inward and to really evaluate: Are we really willing to tear down not only the other party but the other institutions of our government as well?

So I have looked inward, considering, in these difficult days, what I believe is best for the institutions of our government, and I recognize that confirming this nominee is not going to heal and it is not going to salve the wounds that these institutions have endured, but neither will threats that, should the balance of power in this Chamber change, everything is on the table, including the end of the legislative filibuster and packing the Court. To do that would only inflict even deeper, deeper wounds, fundamentally and dramatically altering how the levers of power operate in this country and compromising the one branch of government that must remain apolitical.

We are the legislative branch, the executive branch. Both of these branches are inherently political. It is the third branch, our courts, that we count on to be apolitical. I think it would be a giant leap further down a path that we should not be following in the first place. So we have to figure out how we deescalate.

So let me very simply explain this afternoon how I plan to vote over the next two days, starting with procedural motions, which I opposed yesterday, and I will oppose again tomorrow.

In 2016, after the unfortunate death of Justice Scalia, I said that the Senate should not take up a nominee to fill that seat due to the impending Presidential election. I reiterated that statement in August of this year. And then, coincidentally enough, just hours before the news of Justice Ginsburg's passing that saddened the country—I didn't know that she had passed when I reaffirmed my comments from earlier, but that knowledge would not have changed my mind. I remain in the same place today. I do not believe that moving forward on a nominee just over a week removed from a pitched Presidential election, when partisan tensions are running about as high as they could—I don't think that this will help our country become a better version of itself.

But, frankly, I have lost that procedural fight. We saw that with the vote yesterday. So what I can do now is be consistent with the precedent that I have set for myself and oppose a process that I said should not move forward, and I have done that.

But at the end of the process is the substantive question of whether Judge Barrett should be categorically rejected as an Associate Justice in order to underscore my procedural objection. I believe that the only way to put us

back on the path of appropriate consideration of judicial nominees is to evaluate Judge Barrett as we would want to be judged—on the merits of her qualifications. And we do that when that final question comes before us, and when it does, I will be a “yes.”

I have no doubt about her intellect. I have no doubt about Judge Barrett's judicial temperament. I have no doubt about her capability to do the job and to do it well.

By now, most people are very familiar with her qualifications. They have seen her resume and bio. She has been all over the news, but her background is significant. She graduated with honors from Rhodes College and with honors from Notre Dame Law School, clerked on the DC Court of Appeals and the Supreme Court, and was an excellent professor for 15 years at Notre Dame Law School prior to being confirmed on the bench on the Seventh Circuit Court of Appeals. I helped to confirm her to that seat on the Seventh Circuit.

I have followed on from that time when I first came to know of Judge Amy Coney Barrett. I have done my due diligence in my role of advice and consent. I have worked through the articles that she has written and the cases that she has written. I have engaged in a lengthy one-on-one with her. I watched both full days when she appeared before the Judiciary Committee. She presented herself admirably under a difficult situation. We all know around here that confirmation processes are not pretty.

I have expressed my concerns previously that good people will decide that the confirmation process that we have now is sometimes an awful process, that I worry that they are going to think that it is just not worth it, not worth what it puts them and their families through, and they opt out. They opt to avoid government service.

And, on this note, I will say that while some of the rhetoric from my colleagues has been overblown and unnecessary, this process with Judge Barrett is not nearly what it was in 2018 during the confirmation of Justice Kavanaugh. So, ultimately, I am glad and I am thankful that Judge Barrett did not opt out.

I have concluded that she is the sort of person that we want on the Supreme Court. Her legal writing is excellent and will be an asset to her as well as future generations of lawyers as they read through her opinions. Her intellectual curiosity, which is demonstrated by the depth and breadth of her academic work as a professor, will also serve the country well. Her temperament and her very patient nature were on full display over the course of the hearing.

I had a good and, I think, a very substantive discussion with Judge Barrett about some Alaska-related matters, focusing on Alaska-specific statutes, like ANILCA. I raised some of the public safety challenges that we face in my

home State that served to undermine the principle of equal justice under the law.

I raised the issue of voting rights and access to the ballot. It was important for me to hear and to better understand her views on precedent and her evaluation process, specifically the weight that she affords reliance on decisions that have been in place for decades, such as *Roe v. Wade*. We discussed the doctrine of severability in regards to the Affordable Care Act case. We spoke at length about my concern that the Supreme Court is increasingly viewed as political by the public and what that then does to erode public confidence in the impartiality of our courts. We talked about the criteria and the evaluation that that Justice would undergo for purposes of recusal from a matter.

I do not believe Judge Barrett will take her seat on the Bench with a predetermined agenda or with the goal of putting a torch to every volume of the “United States Reports.”

Justices should come to the Court with an open mind, willing to be convinced by the arguments presented in each case, to exchange thoughts with their colleagues, to learn new things, and rule as the law requires. I am convinced that Judge Barrett will do just that.

So while I oppose the process that has led us to this point, I do not hold it against her as an individual who has navigated the gauntlet with grace, skill, and humility. I will vote no on the procedural votes ahead of us but yes to confirm Judge Barrett when the question before us is her qualification to be an Associate Justice on the Supreme Court.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I rise today to offer my support for confirming Louisiana native Amy Coney Barrett to the Supreme Court of the United States.

Deciding whether to confirm a Justice to the highest Court in the land is among the most important duties and privileges that a Senator has. We must consider the qualifications of the nominee the President puts forward and determine a nominee's fitness to serve.

In this case, President Donald Trump made a terrific selection in Amy Coney Barrett. The Senate will vote on her confirmation in the coming days, and I will proudly cast my vote to confirm. Here is why:

Judge Barrett is incredibly qualified to serve on the Court. She graduated summa cum laude from Notre Dame Law School, clerked for the late-Supreme Court Justice Antonin Scalia, and spent 15 years in academia shaping a new generation of legal minds.

According to her students, she was not an ideologue but, rather, she would listen and take their thoughts and process them and bring them to a better knowledge of the law. With that,

she has been universally praised by her former students and ultimately served on the U.S. Court of Appeals for the Seventh Circuit.

Her record and experience show that she is ready for the Supreme Court.

There is some home-State pride. Judge Barrett was raised in Metairie, LA, and is a graduate of St. Mary's Dominican High School. When I go back there, I will see folks with the pen she would have received when she graduated, and they are very proud to have attended the same school and perhaps to have been in the same class.

As a fellow Louisianan, I am proud that one of our own will become a Supreme Court Justice. She will be only the second person from Louisiana to serve on the Court, which, for my State, makes the confirmation historic. But it is more than Louisiana rooting for Amy Coney Barrett; she will serve our country well.

I will also say that I think it fitting that a woman fill the seat that opened after Justice Ruth Bader Ginsburg's passing. Although she and I had our differences in political and judicial philosophy, she should be recognized for her service and lifelong pursuit of ensuring that women have a seat at the table. We thank the legacy of Justice Ginsburg and her service to the United States.

One of the many things that are notable for Justice Ginsburg that I will emphasize is that she broadened the perspective of SCOTUS—the Supreme Court of the United States—as they treated the law. I think Judge Barrett does the same. She will be the first mother of school-age children to serve on the Court. She and her husband Jesse are raising seven children, two of whom were adopted from Haiti and the youngest of whom has Down syndrome. If there is a mom—whether a working mom or not—who wonders if her perspective is ever spoken to when cases are considered before the Supreme Court, Justice Barrett will bring that perspective to the Court.

Finally, I want to thank Judge Barrett for her willingness to serve. To accept a nomination to the Supreme Court is, sadly, to accept ruthless attacks from partisans seeking to score political points. Her nomination was no different.

She has been repeatedly attacked for being a practicing Catholic. She has every right to live her faith. No one in public service should be expected to cast aside deeply held religious convictions to satisfy an angry mob fabricating reasons to say no.

Thank you, Judge Barrett, for defending your—and by extension all of our—religious liberty.

I think the balance and the grace she exhibited during a very difficult 2 days of being before the committee but in her life in general is testimony to the depth by which she considers the best of her faith.

That said, her political enemies and some in the press intentionally

mischaracterized many of her statements, twisting them into new ways to attack her, again fabricating reasons to say no. Yet Judge Barrett handled each attack with grace and dignity.

During her hearing, she displayed time and again that she has the skills, the demeanor, and the experience to serve on the Supreme Court.

On Monday, I will proudly cast my vote to confirm Amy Coney Barrett to the Supreme Court. She will serve our country well, and she will serve the future generations that will be influenced by her decisions on the Supreme Court well. I encourage my colleagues to put politics aside and to do the same.

Thank you.

I yield back. The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—H.R. 1112

Mr. BLUMENTHAL. Madam President, we are here today on a unique Saturday, a day that is not normal, a day when the coronavirus is setting new records across the United States for infection—just yesterday, 85,000 new cases, which is the very highest since July—ravaging the United States, and creating untold hardship and heartbreak.

We are in the midst of a raging pandemic, but we are not considering measures to deal with the pain and grief and loss that it has created, the threat that it poses to many States across the country, providing memories for many of us in Connecticut who went through the worst of these ravages and still suffer, in Connecticut, the threat of a new wave. Economic crisis grips this country, people are out of jobs, and small businesses are failing, but we are considering a nominee who would threaten to decimate our healthcare system in the midst of a healthcare crisis as we go through this pandemic.

It is a day that is sad, shocking, surreal, and it is not normal. It is not normal to rush through a nominee for the highest Court in the land—a lifetime appointment—while Americans are going to the polls in record numbers. Their voices should be heard, and the next Senate and the President should choose this next Justice. It is not normal because we are, in effect, ignoring and disregarding the duty we have to consider and pass real measures to address this pandemic and the economic crisis we face.

It is not normal for real people whose lives are impacted so severely and potentially even more so in the weeks ahead and whose healthcare, reproductive freedom, protection from gun violence, workplace rights, civil rights, and civil liberties are all threatened by this nominee.

We brought into the hearing room those real people from Connecticut and all around the country through the posters that we had, watching those hearings and the nonresponses that Amy Coney Barrett gave to our ques-

tions. We brought real lives and the real harm they will suffer into that hearing room.

I brought Connor Curran, whose treatment has kept him alive only because his parents were able to use the Affordable Care Act for his preexisting condition; Julia Gonzalez, who is alive because she received treatment for her cancer as a result of the ACA making it affordable, protecting her as a preexisting condition survivor; Samantha, a rape survivor, who was able to get an abortion because of the protections of *Roe v. Wade*; Tracey, who was able to use in vitro fertilization because of reproductive freedoms that are guaranteed by *Griswold v. Connecticut* and its progeny—Amy Coney Barrett has refused to say whether she thought *Griswold* was correctly decided; Ethan Song, who lost his life because of an unsafely stored firearm in a friend's home—his parents, Michael and Kristin Song, were with me, and so was Ethan; Janet Rice, whose son, Shane, then 20 years old, was killed in downtown Hartford; and, of course, the Barton family, who lost their beautiful son, Daniel, along with 19 other wonderful children, in Sandy Hook in that massacre, and sixth grade educators as well.

Those lives and real people and real harms are what are at stake in this debate, and so this Chamber seems so surreal on this day, in the midst of hardship and heartbreak that would only be aggravated by the Justice who may be confirmed as early as Monday evening.

She has been selected, screened, and vetted to be an activist judge who would strike down the Affordable Care Act and overturn *Roe v. Wade*. We know that she has passed that “strong test”—the President's words, “strong test”—to legislate from the Bench and accomplish through the Court what they have been unable to achieve in this body, in this Chamber, and in this Congress through the legislature.

They have failed to overturn the Affordable Care Act because the majority of American people want that protection for preexisting conditions. We have stood strong on this side against those 10, 20, 40 efforts to strike down the Affordable Care Act.

Madam President, she has been vetted and screened for a position on gun violence protection that she herself has admitted in a speech she gave at Hillsdale College. It sounds kind of radical. It sounds kind of radical, as I said to her during the hearing, because it is radical. It is part of a radical, extremist agenda to deny the American people State and local laws that protect them against assault weapons and large-capacity magazines, people who are dangerous and should be denied the purchase of firearms because they should be screened out through background checks and through emergency risk protection orders and safe storage laws, and repeal of PLCAA. That gives gun manufacturers near complete immunity from any responsibility.



We are still in the middle of an epidemic of gun violence, and among those real people who have spoken out is a young woman, 19 years old, named Tabitha Escalante. I was on a phone call with her yesterday with other advocates.

She is the judiciary advisory associate at March for Our Lives, and she is advocating, along with other groups, grassroots groups, that have created a movement—Giffords, Brady, Everytown, Moms Demand Action, Students Demand Action, Connecticut Against Gun Violence, Sandy Hook Promise, Newtown Action Alliance—along with March for Our Lives. They have created a movement that is prevailing, just as we prevailed and stopped the legislative branch from overturning the Affordable Care Act.

The strength of this movement has caused the NRA and the extreme radical groups that are supporting it to go to the courts, as we documented in a report that we released just yesterday. I thank my colleague SHELTON WHITEHOUSE for spearheading this effort. I have been proud to join in various efforts on captured courts. And the report “What’s at Stake: Gun Safety” was the reason that Tabitha and I and others joined that call yesterday: “How a Corrupted Organization Has Radically Transformed the Second Amendment.”

It shows how the NRA has been at the tip of the spear, working for special interests, the gun lobby—dark money channeled to put on the court judges, at every level, who will stop commonsense measures on protecting people against gun violence. Justice nominee Amy Coney Barrett is only the most recent of them who have been screened and vetted to carry forward that agenda.

These interlocking groups—the firearms industry, retailers, and private organizations like American Encore, American Future Fund, American Action Network, Judicial Crisis Network—have spearheaded this effort, and the NRA has been their tool and instrument, and judges in the Federal courts have been the result.

The fact of the matter is that they are turning to the legislatures because of the strength of this grassroots movement—not its weakness—and their efforts to repeal the ACA have failed. So have their efforts to block those measures in State legislatures and local governments.

In fact, gun violence prevention was on the ballot in 2018, and gun violence prevention won. That is the reason that the House of Representatives passed a universal background check measure and other steps that are so important and should be done here.

In the past 10 years, in fact, this scourge and epidemic of gun violence has continued with more than 236 mass shootings in this country. Those mass shootings have taken 1,300 lives, including those innocent children and educators at Sandy Hook.

In the past 10 years, gun violence has taken more than 350,000 lives—in rural communities, urban communities, and every community across the United States. Gun violence is an insidious public health menace, a public health epidemic that affects every community.

Amid this public health epidemic, Republicans have vetted and screened this nominee to take Justice Ginsburg’s place on the Supreme Court because of her extreme views, as she articulated in her dissent in *Kanter v. Barr*. She showed an alarming willingness to stretch the founding-era history to support her extreme and expansive view of the Second Amendment. Her views are not only out of the mainstream; they are out of the position articulated by Justice Scalia, her mentor.

But the fact of the matter is that the threat to these gun violence prevention measures is real and urgent. Cases are literally one step away—remember, one step away—from the Supreme Court. There are three cases challenging restrictions on assault weapons and large-capacity magazines, two of them from California that are about to be petitioned for a review of certiorari at the U.S. Supreme Court. Two cases challenging limits on open carry and three cases challenging background check and licensing requirements are one step away from the Supreme Court, possibly this term, when Amy Coney Barrett would take her seat.

With her nomination, every single commonsense violence prevention measure at every level of government is in great peril. The public safety and health stakes of her nomination could not be greater. As Tabitha said, “Nothing less than everything is at stake.” “Nothing less than everything is at stake”—and not just now when these cases are one step away, but for decades to come.

Tabitha’s generation may have children, even grandchildren, who will see Amy Coney Barrett on the Supreme Court Bench, if she is confirmed, and district court and appellate court judges whom we have confirmed through this effort to reshape the courts in the image of the far right, of what used to be the Republican Party—one step away from this disaster.

Likewise, on the issue of reproductive freedom, Judge Barrett was also vetted and screened. At the hearing, she refused to say—absolutely refused to say—whether *Roe* was correctly decided. As you know, *Roe* protects a woman’s right to choose after being raped, as Samantha was. We presented her story.

It is constitutional to make in vitro fertilization a crime if *Roe* is overturned. It is constitutional to make it a crime for doctors to perform abortions. She refused to answer that question as well. But, in a way, she didn’t really need to answer those questions because we know where she stands. She described *Roe*’s legacy as barbaric in a

letter and ad that she aligned herself with.

She has called, in effect, through organizations with which she was aligned, for the unborn “to be protected in law.” She aligned herself with a group on legal positions—I am not talking about moral beliefs—pushing the most extreme legal views on reproductive care, which include criminalizing IVF, criminalizing doctors, ending legalized abortion in this country.

Her extreme views on reproductive freedoms once were disqualifying, but it is the reason why Donald Trump chose her in the first place—his strong test on that issue.

Right now, there are 17 abortion-related cases that are one step away from the Supreme Court. There are challenges to bans on abortion as early as 6 weeks into pregnancy, before many women even know they are pregnant. There are bans on abortion later in pregnancy, when women can face the most severe health risks and rely on their doctors for accurate information and compassionate care.

They are reason-based bans that merely exist as a pretext—and I say “reason-based ban”—for interrogating and intimidating women who seek an abortion. They are redtape laws that require abortion providers to jump through hoops that serve no medical purpose but merely exist to burden them and make necessary abortion services harder and harder to obtain—and numerous other abortion laws designed to limit access—strictly to limit access in the name of healthcare, particularly for poor, rural, and immigrant women who simply cannot afford to make trips to clinics hundreds of miles away. They are laws that impede racial justice, human justice.

Access to reproductive care is already hanging by a thread across the country. Judge Barrett’s nomination imperils what access remains. Those cases are just one step away—one step away—from decisions by the Court that Judge Barrett would join.

So there is a great deal of our fundamental rights at stake here. As Tabitha said, “Nothing less than everything is at stake.” These cases that are one step away from decision are only 17 cases involving reproductive freedom, 14 cases involving gun violence prevention, and there are numerous others involving workplace safety.

The Affordable Care Act will be argued a week after the election, when she would sit on the Court. Her hostility to the Affordable Care Act is well documented by now in her criticizing Chief Justice Roberts for his vote to uphold the act, saying he had to stretch the meaning of it to keep it alive, her saying in *King v. Burwell*, when she spoke about that case, that the dissent had the better of the argument. These are real rights for real people that would be lost.

Instead of imperiling healthcare and other rights that should be enjoyed by the American people, we should be enacting measures that are before us



right now that have been passed by the House of Representatives, by bipartisan majorities, that would actually address the needs and challenges of the American people during this extraordinary time in our history.

They are before us right now. There is no need to write them anew. There is no need to invent the words or the purposes for these acts.

In order to proceed to the consideration of H.R. 1112, the Enhanced Background Checks Act—bipartisan legislation to close the Charleston loophole, extending the initial background check review period from 3 to 10 days, and eliminating that loophole for gun purchases which enabled the Charleston shooter to get his weapon and murder people in the basement of a church and others around the country to endanger and kill innocent Americans, embodying the principle of “no check, no sale,” that must be the rule—I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CRAMER. Reserving the right to object.

The Senate is currently considering the qualifications of an excellent nominee to be on the Supreme Court of the United States. That is why we are here. It is very important work. This request is nothing more than another form of procedural harassment by the minority to try and stop our process of considering Amy Coney Barrett for the Supreme Court of the United States. It is certainly unfair to her. It is unbecoming of this Chamber.

If this bill was so important to the Democrats in the Senate, they wouldn't have voted four times to adjourn until after the election. So, clearly, this is just a stunt.

By the way, if that wasn't reason enough, the bill that the Senator is suggesting we get into would put onerous burdens on law-abiding Americans who just want to protect themselves at a time when Democratic mayors and Governors are overseeing all kinds of damage to life and health and property unchecked. In fact, calling off the law enforcement of their communities to protect our citizens, they now want to take away the rights of those citizens to be able to purchase arms or at least make it much more difficult.

For these reasons and several others, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BLUMENTHAL. Madam President, what my colleague calls procedural harassment, it is actually democracy. It is legislation. It was passed by the House. It is bipartisan. The majority was bipartisan. It will save lives. I fail to understand why my Republican colleagues will not allow this loophole—it is a fatal and defective loophole in our current laws—to be repaired.

#### UNANIMOUS CONSENT REQUEST—H.R. 7

Madam President, let me move to another measure. In order to proceed to the consideration of H.R. 7, Paycheck Fairness Act—again, bipartisan legislation that would empower women to challenge pay discrimination in the workplace, passing the House by a bipartisan majority and giving women the power to hold employers accountable for discriminatory practices, making a tremendous difference in their lives—I ask unanimous consent that the Senate proceed to legislative session on the Paycheck Fairness Act.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CRAMER. Madam President, reserving the right to object.

This is yet one more obstructionist move to prevent us from taking up Amy Coney Barrett to the Supreme Court of the United States, a highly-qualified nominee who deserves her time in the Chamber. She deserves her time in debate and not these other external matters that, by the way, if they were important to the Senate minority, they would not have voted four times this week to adjourn until after the election.

For that reason and several others, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, the so-called external matters go to the heart of fairness in the workplace, equal pay for equal work, discriminatory practices, other kinds of injustices that have existed for years—women ought to have the right to challenge them and hold their employers accountable. What could be more fundamental and important?

#### UNANIMOUS CONSENT REQUEST—H.R. 1423

Madam President, let me move now to H.R. 1423, in order to proceed to consideration of the Forced Arbitration Injustice Repeal Act, also known as the FAIR Act, which passed the House on September 20, 2019—again, a bipartisan measure, which would increase Americans' rights to seek justice and accountability through the court system.

We are in the midst of considering a nominee who has expressed a hostility to seeking justice in the workplace and in jobs and in other areas. So this measure to eliminate forced arbitration clauses in employment and consumer and civil rights cases is especially relevant. It would allow consumers and workers to agree to arbitration after a dispute occurs, but it would not force them to do so.

I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CRAMER. Madam President, reserving the right to object.

I will not allow the Senate to be diverted from the issue at hand, and that is the consideration and of Amy Coney

Barrett to be an Associate Justice on the Supreme Court of the United States. She is a highly-qualified nominee and deserves this debate.

For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

#### UNANIMOUS CONSENT REQUEST—S. 4443

Mr. BLUMENTHAL. Madam President, in order to proceed to the consideration of the Lori Jackson Domestic Violence Survivor Protection Act—because millions of women are still at risk as a consequence of this loophole in our present laws that enables dangerous, estranged spouses or partners to have access to weapons during the most perilous time in a domestic dispute right after separation, because that loophole endangers innocent women because it provides access to weapons to those dangerous people—I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CRAMER. Madam President, reserving the right to object.

Again, if the minority was serious about passing legislation, they would not have voted four times to adjourn until after the election, so it is a little hard to take this seriously, but it is especially difficult on this one because Federal law already prohibits violent felons from owning and purchasing firearms.

Again, should I remind the Senate and the country that Democratic mayors and Governors all over this country have failed to protect their citizens. The last thing we would want to do at a time like this when citizens are left to defend themselves against violent crime is to prohibit law-abiding Americans or make it more difficult for law-abiding Americans to own firearms. For those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, just to remind my colleague, this measure doesn't pertain only to dangerous felons. It protects innocent women against dangerous people. There is already the provision for protective orders to provide that kind of safeguard after a period of time. This measure would close a loophole for the first period when, in fact, women and others are at greatest risk.

It is a public safety measure that is particularly relevant because of the hostility expressed by this nominee to commonsense steps in the name of a very extreme view under the Second Amendment.

#### UNANIMOUS CONSENT REQUEST—H.R. 840

Madam President, I would like to ask that we proceed to consideration of H.R. 840, the Veterans' Access to Child Care Act—what could be less controversial, a bill that provides childcare assistance to veterans receiving covered healthcare services in a VA facility?

The bill highlights the troubling fact that lack of childcare can dissuade parents from receiving essential healthcare services. It would make permanent a VA childcare pilot program—make it permanent.

It was first introduced in 2011, and it expands access to childcare assistance nationwide, allowing veterans to receive medical treatment with confidence that their children are receiving high-quality care—our veterans.

Whatever motions have been made in the past, this measure certainly needs to be considered. It was passed by a majority in the House on February 8 of 2019, more than a year ago, a bipartisan majority in the House—no action here.

I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CRAMER. Madam President, reserving the right to object.

Can we just be a little more honest? This is not about childcare. What is going on here is not about childcare, for veterans, or for anybody else. This is another attempt to prevent us from talking about the outstanding qualifications of Judge Amy Coney Barrett to be on the Supreme Court of the United States.

I will stand here all day and object if that is what it takes for my other colleagues to get to the floor and talk about the merits of this outstanding judge. With that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—H.R. 2722

Mr. BLUMENTHAL. Madam President, as more important as that health for veterans is, equally so is assistance for our election system. We are going through an election right now. Even as we consider this nominee, tens of millions of Americans are voting. The threat to our election security is well-known. We face not only foreign interference but also domestic threats, as has been documented.

I have been through those absolutely chilling briefings in a classified setting; we are sworn to secrecy. But the malign foreign interference makes 2016, in my impression, look like child's play from Russia, Iran, the Chinese.

In order to proceed to the consideration of H.R. 2722, Securing American Federal Elections Act, a bill that would, in fact, make critical investments to upgrade our voting systems to protect against foreign interference in our elections and democracy by requiring all voting systems to produce a verifiable paper ballot and by authorizing funding for States to bolster election security—what could be more urgent and important at this moment in our history?

It was passed by the House of Representatives on June 27, 2019—again, more than a year ago. No action here.

I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CRAMER. Madam President, reserving the right to object.

The only interference going on here is by Senate Democrats trying to interfere in our discussion about an outstanding nominee to the Supreme Court of the United States, Judge Amy Coney Barrett. For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—H.R. 4894

Mr. BLUMENTHAL. Madam President, in order to proceed to the consideration of H.R. 4894, Congressional Budget Justification Transparency Act of 2020, a bill that requires Federal agencies to make budget justification materials available to the public—it is a transparency measure. It requires disclosure, and it requires the Office of Management and Budget to make certain details regarding the materials available to the public, including a list of agencies that submit budget justification.

It also forces disclosure of the dates that materials are submitted to Congress and posted online and links to the materials—a basic disclosure measure. It was passed, again, overwhelmingly by the House of Representatives on September 14 of this year, without any action so far in this body.

I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CRAMER. Madam President, reserving the right to object.

It is really time to move on and hear from other colleagues about the incredible, outstanding qualifications of President Trump's nominee to the Supreme Court of the United States, Judge Amy Coney Barrett. These distractions cannot prevent us from doing that.

On this bill in particular, I think people should know that most of the documents that they are talking about are—in fact, almost all of them are on-line today.

For that reason and others, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. That measure was a basic disclosure step proposed to address secrecy in government. Nothing is more fundamental than transparency in a democracy. Sunlight is the best disinfectant.

The people of the United States deserve that information, and so, too, they deserve all of the information about Amy Coney Barrett. Even on the morning of her approval by the Senate Judiciary Committee, new documents were disclosed, new statements and speeches by her, adding to the ones that hadn't been disclosed properly previously.

This process is a sham. It is rushed. It is not normal. As I said during our hearings, my great fear is not only the damage and the harm that this nominee can do, but the damage and harm to the Court itself.

The President said the quiet part out loud. He wants this nominee rushed to the bench so she can decide the election, not the voters—so she can sit on the Supreme Court when the election goes to the courts.

Well, my Republican colleagues have the majority. They may have the votes, but they don't have the American people, and they don't have history on their side. Might does not make right. They can do it because they have the votes. They are doing it because they can.

Amy Coney Barrett could stonewall our questions because she could establish a new standard—call it the “Barrett rule”—of not answering. But the damage to the Court will be great.

The Court has power because of its legitimacy. The trust and confidence of the American people are in its independence. Our Republican colleagues are whittling away and eventually devastating not only the authority of the Supreme Court, but all of our Federal courts, by politicizing and polarizing it.

She would not even commit that she would recuse herself in the event an election case went to the Supreme Court. I have tremendous respect—even reverence—for the Court, having served there as a law clerk with Justice Harry Blackmun, having argued four cases before the Court, including three with Justice Ginsburg.

This imperils the legitimacy of the U.S. Supreme Court, is a grave, lasting, potentially devastating disservice to the American people. It is a dagger at the heart of the Court and of our democracy. Therefore, I will continue to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. 4797

Mr. SCOTT of Florida. Mr. President, General Secretary Xi is a dictator and human rights violator. He is yet another Communist leader trying to be the dominant world power.

The Chinese Communist Party is stripping the people of Hong Kong of their freedoms, cracking down on dissidents, militarizing the South China Sea, supporting Maduro's genocide in Venezuela, surveilling its citizens, and imprisoning more than 1 million Uighurs in internment camps simply because of their religion.

Communist China is committing genocide against the Uighurs. It doesn't end there. Recent reports indicate that the Communist Party of China is attempting the same thing in Tibet, forcing hundreds of thousands of people in Tibet into mass labor camps. We know the Chinese Communist Party and their puppets continue to silence and intimidate those standing up

for democracy and human rights. They detain and harass journalists to try and prevent the truth from getting out. Foreigners and journalists working and traveling in Communist China do so at their own risk.

Just last week, Communist China began threatening to take Americans as hostages. The national security threat of Communist China cannot be taken lightly. The censorship of these human rights abuses cannot be ignored.

General Secretary Xi doesn't want us to know about the oppression occurring under his regime. For years, the Communist Government in China has tried to push its propaganda in America through state-owned media outlets while refusing to treat American journalists in China fairly. We saw this firsthand earlier this year. Chinese-backed propaganda outlets peddled China's lies about the coronavirus and endangered the lives of Americans.

In March, the Chinese Communist Party expelled more than a dozen U.S. journalists and required other outlets to submit written reports of their staff, finances, operations, and real estate in China. We cannot allow this mistreatment to continue, and we have to take action.

I am proud to sponsor the Chinese-Backed Media Accountability Act to create accountability for Communist China's censorship of free speech and failure to treat American journalists fairly. My bill prevents new visas to Chinese-backed journalists until we know exactly how many Chinese propaganda journalists are operating in the United States, and it creates reciprocity by making sure the number of Chinese-backed journalists in the United States is equal to the amount of independent American journalists allowed in China.

We have to stand up and say that this behavior by Communist China is unacceptable, and I look forward to all of my colleagues' supporting this proposal.

Mr. President, as in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 4797 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, reserving the right to object, Senator SCOTT has sought unanimous consent for a bill that would restrict the issuance of nonimmigrant visas to Chinese journalists and a number of other steps that, frankly, are already within the President's power to do.

The bill, in many ways, is an attempt to codify authorities that the State Department already has. In that sense,

there is no reason to take legislative action. If the President wants to use this power, he can.

But I want to emphasize the point that we share the goals that are behind this measure. No. 1, the goal of increasing transparency around the pandemic has to be done so that the Chinese and other authorities around the world—states that suffer from the pandemic—make the facts known to this country and the world health authority.

We share the goal of condemning China's absolutely despicable human rights abuses, its deplorable record of subjugating human liberty, including the Uighurs, at least 1 million of whom are being held in Chinese Government-run detention centers that the President of the United States has completely ignored.

But this legislation would really do nothing to address these incredibly oppressing issues. It uses the pandemic and China's human rights abuses as a pretense for deflecting blame for the President's shameful mishandling of the COVID-19 crisis. The President's ineptitude and incompetence are widely known to the American people.

We share the goals of stopping Chinese human rights abuses, of making them more honest and accurate in what they disclose, and other goals, but to this measure, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I am disappointed my Democratic colleague doesn't want to focus on the global impact of General Secretary Xi's censorship. I clearly don't understand why my Democratic colleagues refuse to stand up to Communist China. They have stopped every attempt to protect Americans from this threat.

Again and again, the Democrats block efforts to hold Communist China accountable and never try to work with us to come up with solutions.

They blocked my resolution to move the 2022 Olympics out of Communist China. They blocked my bill to prevent Communist China from stealing or sabotaging American COVID-19 vaccine research, even as American lives depend on the rapid development of this vaccine.

Now they are turning a blind eye to the censorship of American journalists in China. Chinese state-backed journalists in America push the propaganda of the Chinese Communist Party. It is time to wake up and understand that the oppression at the hand of General Secretary Xi and the Chinese Government Party will not stop.

This is about the safety of Americans and about freedom around the world. This is about standing up for human rights.

We must act, and passing the Chinese-Backed Media Accountability Act takes real steps to hold Communist China accountable for their failure to treat American journalists fairly.

I am not going to stop working to make sure there is reciprocity between our nations and that we understand how many Chinese propaganda journalists are operating in the United States. We must, together, do everything in our power to fight for freedom and hold Communist China and General Secretary Xi accountable, and I hope, at some point, my Democratic colleagues will join me in this fight.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida).

The Senator from North Dakota.

NOMINATION OF AMY CONEY BARRETT

Mr. CRAMER. Mr. President, 2 years ago, I was a candidate running for this job, running against a Democratic incumbent. The top issues of the race throughout the summer were things like the sanctity of human life, and most important in the minds of the voters—at least based on our polls—were law and order. The idea that a sanctuary city, much less several of them, could exist to protect violent criminals as long as they were here illegally was an absurd notion to Dakotans. They were good issues for me as a candidate.

That all changed just a little over 2 years ago, when Senate Democrats waged an attack on President Trump's nominee to fill the vacancy that occurred by the retirement of Supreme Court Justice Kennedy. By "attack," I don't mean engage in a vigorous debate about Brett Kavanaugh's political and judicial philosophy or his background. Rather, they waged an attack on Brett Kavanaugh himself, on his character, his reputation, and his family—and not with facts but with fabrications.

My opponent, North Dakota's junior Senator, joined the smear campaign and changed the priorities of our campaign quickly from sanctuary cities to, suddenly, the Supreme Court of the United States. That happened just 2 years and a couple of weeks ago. As much as anything—as much as any reason, as much as any issue—the Supreme Court is why I am here today. I do not mean just today. I mean it is why I am a U.S. Senator.

So, when President Trump nominated Judge Amy Coney Barrett to fill the vacancy created by the death of Justice Bader Ginsburg, I knew there could be no amount of political harassment that would cause me to shrink from this obligation. The suggestion that I or my colleagues would squander this—the right and the responsibility under the Constitution—and consider waiting until after an election that may create an opportunity for someone with whom my constituents don't agree to be nominated to the Court would be a dereliction of my duty and would rightly enrage the people who sent me here for exactly this moment. I refuse to shrink.

So let's talk about the nominee, Judge Amy Coney Barrett. By all accounts, she is a brilliant jurist. I don't think anybody has really questioned

her scholarship, her intellect. Certainly, you couldn't argue as to her demeanor. She has, on national display, demonstrated a demeanor that we should probably all aspire to but, certainly, for somebody who aspires to be on the highest Court in the land. Oh, by the way, I love the fact that she was educated in middle America. With all due respect to my conservative jurist friends and acquaintances and even those I don't know from someplace other than middle America, it is awfully nice to see one get to the top.

My conversations with Judge Barrett were like, I think, everybody's. They were pleasant, and they were serious. In some cases, they were, maybe, even a little bit intense, but my conversation didn't focus on hardly any of the things I have been hearing about with relation to her nomination—in fact, none of them have I heard about in this Chamber today, and we have heard about lots of them. Mine didn't even really focus on the hot-button issues of the day. My discussions focused on my inquiry of her—about her sense and her philosophy and her thoughts on federalism. What is the appropriate role of States in this cooperative federalism—this wonderful experiment that is the United States of America? This is a system designed by the States. The Federal Government was created by the States. The Federal Government didn't create the States. No, the States created the Federal Government. It is foundational.

I, of course, like the Presiding Officer, was a State-elected official. I was never the Governor, but I was probably, in many respects, qualified in a way, today, that never occurred to me at the time, which was that I was a regulator. I was a State regulator who had been elected by the people of my State to regulate things like rates of gas and electrical utilities, to cite things like pipelines and transmission lines and powerplants and wind farms, and to oversee the Federal Communications Act and its application in North Dakota. From that perch as a State regulator for nearly 10 years, by far, the greatest problems and the greatest obstacles to doing my job were the mandates coming from Washington, DC, and its trying to impose its mediocrity on North Dakota's excellence.

So, when I came to Washington, I set out to change some of that. I wanted to try to change our bureaucracy a little bit and find somebody in this place who understood and respected the role of the States in this cooperative federalism, because what I saw and what I continue to see is a big bureaucracy that is trying to run right over—roll right over—the States of this country. I think that the overriding issue of the role of States and of federalism gets to the heart of lots of these other smaller issues, of lots of these more granular issues.

Now, whether it is the waters of the United States and what is a navigable

water—that is one of the big ones, right? The Clean Power Plan and its imposition on local and State regulation is another, and how the Federal Energy Regulatory Commission deals with grid reliability. Maybe it is something even more granular like cross-State emissions. Who knows? There are lots of them—lots and lots of them—in areas where it has really been the courts themselves. Whether it is the Supreme Court or the appellate court or the district court, it has really been the courts—the judiciary—that have been the only thing standing between an overbearing Federal Government and the rights of States.

So my discussions with Judge Barrett centered around her views on federalism. I gave her some examples, some North Dakota examples. I even laid the blame on Congress, and we deserve a lot of it, for sure. We have passed broad authorizations for the bureaucracy and then let them fill in the blanks. We have to stop doing that. We need to be more proscriptive. In the meantime, I want to be sure that we have a Supreme Court that understands the sovereignty of States.

I mean, right now, North Dakota is engaged in several pieces of litigation with our own Federal Government, and this is under Trump's Department of Justice. I just wish the lawyers at the Department of Justice would take on the bad actors in the political class with the same zeal with which they take on my State. By the way, there are much bigger things they could be taking on when they take on the political class, if they would just do it, than the little things, where they should be negotiating settlements with the State of North Dakota. I just wish they had the same zeal for that. That would be much more worthy of the title of "justice."

Yes, I am very pleased with Judge Amy Coney Barrett's philosophy and demeanor, but I was really grateful for her answers on the issue of the role of States in a cooperative Federalist system like ours. Yet, at the end of the day, judicial philosophy, intellect, and where one went to college is all just shored up by the fact that she is a person of incredible virtue—yes, a virtue that is grounded in faith. That is, after all, where most virtue comes from. In fact, I suspect that some of those virtues that used to be more universal in our country are part of why the left despises her so much.

As for me, I am just glad that she is willing to do it. I am glad that her family is willing to stand with her and do it. I am glad that she has the virtues of faith that underpin the intellect and the experience and the demeanor. In fact, perhaps, it is why she has all of those other things. For those reasons and several others, it is going to be a pleasure—it is even going to be an honor—to stay the night tomorrow night, if that is what we have to do, to cast the vote for Judge Amy Coney Barrett to become the next Associate

Justice on the Supreme Court of the United States. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I am here to talk about my support for confirming Judge Amy Coney Barrett to the United States Supreme Court.

Judge Barrett's qualifications and her character are indisputable. I had the honor of meeting with Judge Barrett earlier this month when she said her guiding principles as a judge were in the mold of a great Justice—the late Justice Antonin Scalia. In fact, during our meeting and over the course of her hearing before the Senate Judiciary Committee, Judge Barrett demonstrated her understanding of the purpose of the U.S. Supreme Court and the proper role of a judge.

Judge Barrett believes that judges shouldn't legislate from the bench. Keep in mind that she is currently a sitting judge on the Seventh Circuit Court. She won't misuse her power as a judge to impose her policy preferences, and she won't twist the original and the true meaning of the Constitution to advance a political agenda of any kind. Judge Barrett will uphold our cherished constitutional rights, including the Second Amendment.

I have an A-plus rating from the National Rifle Association and the Montana Shooting Sports Association. I firmly believe that a correct understanding—a profound understanding—of the Second Amendment is essential. In the discussions I had with Judge Barrett, she confirmed she has that understanding. Judge Barrett's strong support of the Second Amendment can give every law-abiding Montanan who owns a firearm the full confidence that she will never allow the government to take away our guns. She understands what "shall not infringe" truly means.

I believe Judge Barrett will stop Congress in its tracks when it exceeds its limited constitutional powers. For decades, Congress has imposed policies that this body has had no authority in creating in the first place. Judge Barrett will ensure that Congress stays within its limited constitutional powers while returning powers to the States and back to the people. She will defend the Constitution. She will protect our Montana way of life, including our Montana jobs. Judge Barrett will not bend to the radical fringe groups that are looking to kill Montana timber and coal jobs. She will be a fair-minded Justice whom Montanans will be proud of.

Yet some on the far left not only oppose Amy Coney Barrett's confirmation but have also said they are open to packing the Supreme Court with liberal judges. Let me just define what "packing" means. That means increasing the number of Justices on the Supreme Court from 9, which has been the case for 151 years, to 11 or 13 or more, perhaps. That will be an attack on our

Montana way of life. I stand with Montanans in strongly opposing this dangerous power-grab proposal. With Judge Barrett on the Supreme Court, the age of activist Justices rewriting the laws to accomplish their own policy agendas will be gone.

She is a mother of seven children—five biologically and two adopted Haitian children. We will have a Supreme Court Justice whom we can also call a minivan mom. Judge Barrett is an inspiration to professional women, to working moms, and to school-aged girls across Montana who can feel certain there is no American dream that women cannot achieve.

Just last week, I met with several northwest Montana businesswomen leaders in Kalispell to talk about their support for Judge Barrett's confirmation. These Montana businesswomen shared their views of Judge Barrett as a mentor, a role model, a wife, a mother, a brilliant jurist, and a great leader.

I would also like to take a moment to congratulate and thank President Trump for nominating such outstanding and well-qualified individuals to the U.S. Supreme Court. With Judge Barrett's confirmation, we will take another major step toward restoring the Founding Fathers' vision for the Supreme Court and the separation of powers they brilliantly created.

As a U.S. Senator from Montana, supporting Judge Barrett's confirmation to the Supreme Court is an easy call. She is someone whom Montanans can be proud of and whom Montanans can look up to on the Court.

I urge all of my colleagues on both sides of the aisle to support Judge Amy Coney Barrett's confirmation to the U.S. Supreme Court.

UNANIMOUS CONSENT REQUEST—S. RES. 758

Mr. President, I rise today to speak about an effort that, frankly, I never envisioned I would have to, something that is so beyond radical, and that is packing the U.S. Supreme Court.

This plan, hatched by a Democratic President in 1937, was so radical then that it was soundly defeated here in the U.S. Senate—a Senate, I might add, in which 76 of the 96 Members were Democrats.

This was a plan that was so hostile to institutional principles that the Senate Judiciary Committee in 1937 said that it was “a measure which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America.”

In fact, as recently as 2019, the brilliant late Justice Ruth Bader Ginsburg stated: “I think it was a bad idea when President Franklin Roosevelt tried to pack the court . . . and if anything would make the court look partisan, it would be that.”

Well, today we find ourselves in the same spot, and the reason why is simple: The Democratic Party still does not accept the legitimacy of President Trump or his highly qualified judicial nominees.

Don't forget it was just earlier this year that the Democratic leader, Senator SCHUMER, stood in front of the Supreme Court and openly threatened President Trump's two Supreme Court picks if they didn't vote the way he wanted by saying, “I want to tell you, Gorsuch, I want to tell you, Kavanaugh: You have released the whirlwind and you will pay the price. You won't know what hit you if you go forward with these awful decisions.” That is disturbing—disturbing, indeed.

Let's be clear. This is nothing more than an attempt at a partisan power grab by Democrats. You see, packing the Supreme Court by moving from the current 9 Justices to 11 or 13 would essentially eliminate the Supreme Court from being a check and a balance on Congress and the executive branch, paving the way for a radical, far-left agenda put forth by CHUCK SCHUMER and the Democrats if they get the majority.

Packing the Supreme Court is a direct attack on our Montana way of life. Packing the Supreme Court with activist, liberal Justices will help the far-left radicals strip away our Second Amendment rights, destroy good-paying energy and natural resource jobs, and cripple the Montana and American economy by blocking forest management and energy projects.

For us in Montana, we know exactly what it means to have an activist, liberal judge on the bench. Look no further than Judge Brian Morris of Montana. Judge Morris has done everything in his power to try to kill Montana's energy jobs. In fact, he specifically blocked the Keystone XL Pipeline. This project would create thousands of jobs and generate tens of millions of tax dollars every year for Montana schools and Montana communities.

Packing the Supreme Court will also erode a major principle of our Constitution; that is, the separation of powers into three coequal branches of government. Packing the Supreme Court would simply make the Court an extension of the legislative branch. It is the independence of the judiciary that is essential to check and balance both the executive and legislative branches. Packing the Court would simply turn the U.S. Supreme Court into an extension of whatever political party happens to control the White House and the Senate.

Here is how it would work: Whichever President is in power, if they have the same party in power in the Senate, they could keep escalating the number of Justices. It would go from 11 to 13 to 15 to 17. It would absolutely spin out of control, and our Founding Fathers would be rolling over in their graves. The packed Court would simply turn the Supreme Court into an extension of whichever political party happens to control the White House and the Senate.

So I am here today to call out the shameful partisan attack on our judiciary,

and I hope the rest of my colleagues will join me in passing this resolution that calls for the Supreme Court to simply remain as it has been for 151 years at nine Justices. That is all it says—we are going to keep the Supreme Court at nine Justices.

As if in legislative session, I ask unanimous consent that the Senate proceed to consideration of S. Res. 758, submitted earlier today. Further, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

THE PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. Mr. President, reserving the right to object.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Reserving the right to object, I would open with the observation that—well, let me start by saying that in one of the great plays in our language, the opening began with the observation that “something is rotten in the state of Denmark.”

There is increasing evidence that something is rotten across that lawn and across First Street at the U.S. Supreme Court. What is the evidence of that? Well, the first thing I would suggest is the amount of anonymous dark money influencers swirling around the Court.

I have spent a good deal of my professional life around appellate courts. I have never seen—nor does the history of the Supreme Court evidence—anything like what is taking place right now with dark money influencers swirling like eels around that Court.

How do they do it? Well, they are involved in the selection process through a group called the Federalist Society, which takes large, anonymous, dark-money contributions and controls the selection of judges. How do we know it controls the selection of judges? Donald Trump has said so.

The Wall Street Journal has said this was a subcontracting operation—a subcontracting operation—and it worked. It is not a good thing when the selection of our Supreme Court is subcontracted out to a private group that then takes multimillion-dollar anonymous donations. It shouldn't be hard for Members to understand that is a dangerous set of facts.

Then you go on to the campaigns for those selected nominees, and you see more anonymous donors writing checks for as much as \$17 million. I can't write a check for \$17 million. I don't know anybody here who can. The number of donors who can write a check for \$17 million is very small, and the number who would want to is even smaller. That is another avenue of influence.

Last, you have law groups appearing before the U.S. Supreme Court, also anonymously funded. Some have gone out to find a plaintiff of convenience to

bring strategic litigation before the Court. Some appear as what they call amici curiae, friends of the Court. Some swap back and forth in the same series of cases; they exchange positions as the litigant group and a friend of the Court. But what they share is that they are funded by the same groups, and they don't disclose that to the Court in their filings. So it raises the proposition that this isn't just dark-money eels swirling around the Court, but these are, in fact, tentacles of a common operation.

It is particularly surprising that the Senator from Montana would not have concern about this because the State of Montana has been so strongly concerned about dark-money influence for so long. Indeed, it was a State of Montana case that went to the Supreme Court under, I guess, Attorney General Bullock at the time, where Senator McCain and I wrote a bipartisan brief warning of the dangers of all of this money.

So that is the first thing—dark-money influencers swirling around the Court in a way that is unprecedented, in my view, in judicial history.

The second is a pattern of decisions that has emerged out of that Court. Under Chief Justice Roberts, there have been 80 decisions that had these characteristics: One, they were decided 5 to 4—a bare majority. Courts usually strive to build stronger majorities because that strengthens the institution. Eighty cases, bare 5-to-4 majorities—by the way, bare partisan 5-to-4 majorities—and in every case, an identifiable Republican donor interest at stake that won—a pattern of 80 to 0.

Last, you have the behavior taking place politically around these nominations and how peculiar that behavior is.

Here is Senator DAINES talking about the effort to appoint Judge Garland to the Supreme Court. He said, "I don't think it's right." The Senator put it in terms of right and wrong. And he said, "I don't think it's right to bring a nominee forward in an election year." He said, "The American people have already begun voting . . . and their voice should be reflected in what we do going forward."

The very next occasion, the very next election in which the same set of circumstances presented itself, he and virtually everyone on the Republican side completely reversed their position about what is right in this matter. When you see reversals of position like that, that is a signal to me that there is something more going on.

So whether it is all the dark money, whether it is the peculiar pattern of decisions, or whether it is the unexplainable behavior of Members, it sends a pretty strong signal that something is, in fact, rotten in and around that Court.

I believe that every one of us should agree that we are entitled as Americans to a court that is not a pantomime court that goes through the rou-

time, the ritual of adjudication, while making sure that a small group of special interests actually wins the case at the end of the day. Nobody should be interested in a court that operates that way.

We don't know how bad the situation is because it is dark money, because it is still hidden, and until we figure it out, under the rule that it is premature to rule out remedies until you have a complete diagnosis, I will object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Montana.

Mr. DAINES. I appreciate the Senator from Rhode Island bringing up dark money spent in our elections.

We all agree that dark-money spending has gotten out of control; however, the Senator from Rhode Island gives me an opportunity to point out the blatant hypocrisy from those in the Democratic Party on this very issue.

I know I speak for probably every Montanan, if not most, when I say that we are tired of being bombarded with never-ending television, digital, radio, mail pieces, and most of it is from dark-money organizations. And where do you think much of this dark money is coming from? It is from groups aligned with the minority leader and the Democrats. In fact, according to a September 2020 report by OpenSecrets, which tracks political spending, two dark-money groups aligned with the Democratic Senate leadership have spent more than \$44 million on political TV ads—more than any other outside group on television ads during the 2020 election cycle.

Let me say that again. These are two dark money groups aligned with Democratic Senate leadership that have spent more than any other outside group on television ads during the 2020 election cycle. Yet neither group has reported any spending to the FEC at all—zero.

You may ask yourself why the minority leader and his dark money allies are dumping so much money into races across our country, including Montana. The reason for that is the minority leader wants to be the majority leader and take control of the U.S. Senate. He wants to change the rules, destroy 151 years of precedent, and pack the Supreme Court with activist, liberal judges who will strip away our rights and our freedom.

Packing the Court is a direct attack on our Montana way of life. That is why, more than ever, my Court packing resolution is so important. It just says: Let's keep it at nine.

It is not that complicated. We cannot let this Court packing occur.

So while the Democrats continue to decry dark money—until it benefits their campaigns, of course—we must all take a stand in ensuring that our Montana way of life is protected.

For those reasons, I object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I just want to make sure that the record of the Sen-

ate is clear here. Democrats don't just decry dark money spending; Democrats have, over and over again, sought to end it. I know this because I was the floor leader on the DISCLOSE Act when we brought it right here in the Senate, and we came within one vote of getting rid of dark money. Every Democrat voted for that measure. Every Democrat voted to get rid of this scourge of dark money. Every Republican voted to protect it.

So, yes, do Democrats use dark money? We are playing by your rules. We are playing by Republican rules. We could have brought up the DISCLOSE Act again because it was the first order of business the House passed in H.R. 1, but the Senate majority leader didn't want that bill to get a vote.

So it is a little bit rich to hear a litany of woes about dark money from the party that is responsible for dark money happening. We could have gotten rid of it if we had passed my DISCLOSE Act. We could have gotten rid of it if we had passed H.R. 1. We did none of the above.

So if I may, I would like to ask that a resolution be passed.

UNANIMOUS CONSENT REQUEST—S. RES. 59

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 59, submitted earlier today; further, that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

If I may, just briefly, before the Presiding Officer calls for objections, just describe the resolution, which expresses the sense of the Senate that dark money undermines the integrity of the judicial system and damages the perception that all people receive equal justice under law; that dark money organizations funded by anonymous donors are now playing an outsized role in the selection of judges and Justices of the Supreme Court of the United States and have spent millions of anonymous dollars on advertising campaigns supporting those selections; that the people of the United States have no idea who is funding these campaigns and what business those funders might have before the Court; that the Federalist Society and the Judicial Crisis Network and other groups have been a part of this and they are heavily dark money funded in this role; that then-Candidate Trump said of his judicial selections that they would "be hand-picked by the Federalist Society"; that his White House counsel boasted that the Federalist Society had been "in-sourced"; that the Washington Post reported that Leonard Leo, then of the Federalist Society, helped raise \$250 million from mostly anonymous donors into this effort—and I will leave the rest of the details to interested readers who want to pursue it.

But I would say to Senator DAINES' umbrage about dark money in Montana campaigns, if there is anything worse



than dark money in political campaigns, it is dark money around courts, and that is the problem we face right now, and that is what requires looking into.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. DAINES. Mr. President, reserving the right to object, I have already made my remarks about the hypocrisy on this issue of dark money.

I think it is also worth pointing out that it was a very different situation in 2016, when Merrick Garland was nominated by President Obama. In every White House controlled by one party and the U.S. Senate by another, the President of the Senate, going back to 1888—in an election year when both the Senate and the Presidency are controlled by the same party, you move forward; when not, you don't.

That is exactly what we did. We had an election in 2016. President Trump won, and here we are in 2020 with Republicans controlling the Senate, and the White House began to move forward.

So with that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I would just add, that was not what Senator DAINES or anybody else on the Republican side said at the time. I was here at the time, and what was said at the time, particularly by Senator DAINES is "I don't think it's right to bring a nominee forward in an election year"—not when the party's control is split in one way or another. "I don't think it's right to bring a nominee forward in an election year" because the American people should have their voice "reflected."

That has not changed. This new emphasis on the party difference is fundamentally the rule of "because we can." If that is going to be the rule, if that is the rule that Republicans are prepared to adopt here—that what matters around here isn't precedent, isn't principle, isn't what is right, but is just because we can—then please don't feign surprise in the months and years ahead if we on the Democratic side follow that same rule that you are saying is the way to proceed today.

In the same way that it is at least ironic for Republicans to stand here complaining about dark money when it was the Republican Party that protected dark money here on the Senate floor, it will be equally ironic if the party should turn around later on and Democrats seek to use the measure of "because we can," and you raise objections. You are basically here on the Senate floor forfeiting your right to make those objections in the way you are behaving on this nomination.

With that, I will yield the floor to Senator SCOTT.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, given the time, I will reserve the other unanimous consents I have. I understand that we are going to close, and we are close to that time. So I appreciate Senator SCOTT's coming to the floor to respond to those, but I yield back.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I will shortly ask to have a quorum call by noting the absence of a quorum, but before I do that, I wanted to point out just one issue of vocabulary, if you will, which is that the definition of "court packing" has actually two operative definitions on the Senate floor: One is to expand the number of judges; the other is to take advantage of existing vacancies and try to use them to change the balance of the courts and to put in judges who are predisposed to certain rulings.

That is, in fact, the meaning that Senator MCCONNELL gave to that term when he said that President Obama was seeking "to pack the D.C. Circuit with appointees" when he was filling vacancies; that Senator CORNYN used when he said President Obama wanted to "pack the D.C. Circuit"; what Senator GRASSLEY used when he announced President Obama's "efforts to pack" the D.C. Circuit; and when Senator LEE of Utah accused President Obama of trying to "pack the D.C. Circuit with unneeded judges simply in order to advance a partisan agenda."

So when we describe all that has taken place across the last three nominations—all the procedural abnormalities, all the peculiarities of funding, all the odd political behavior on the other side, the 180-degree, tire-squealing reversals, all of that, we are actually following the vocabulary that you all used about the D.C. Circuit, just to be clear on that point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DAINES:

S. Res. 758. A resolution expressing the sense of the Senate that the number of justices of the Supreme Court of the United States should remain at 9; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. Res. 759. A resolution expressing the sense of the Senate that dark money under-

mines the integrity of the judicial system and damages the perception that all people receive equal justice under law; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 3103

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 3103, a bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 758—EXPRESSING THE SENSE OF THE SENATE THAT THE NUMBER OF JUSTICES OF THE SUPREME COURT OF THE UNITED STATES SHOULD REMAIN AT 9

Mr. DAINES submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 758

Whereas the Act entitled An Act to amend the judicial system of the United States, approved April 10, 1869 (commonly known as the "Judiciary Act of 1869") (16 Stat. 44; chapter 22), states that "the Supreme Court of the United States shall hereafter consist of the Chief Justice of the United States and eight associate justices";

Where the Supreme Court of the United States has consisted of a Chief Justice and 8 associate Justices for 151 years;

Whereas previous attempts to increase the number of justices on the Supreme Court of the United States have been rejected and widely condemned by individuals of both political parties;

Whereas, in 1937, when former President Franklin Delano Roosevelt proposed the Judicial Procedures Reform Bill of 1937, a bill that sought to expand the number of justices on the Supreme Court of the United States from 9 justices to 15 Justices, he was harshly criticized by both parties and his own Vice President, John Nance Garner;

Whereas, the 1937 Senate Judiciary Committee report, in response to the Court-packing plan by President Roosevelt, decried the plan as "a needless, futile, and utterly dangerous abandonment of constitutional principle", that "[i]ts ultimate operation would be to make this government one of men rather than one of law" and that it was "a measure, which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America";

Whereas, during the Trump Administration, Democrats have refused to recognize the legitimacy of nominations made by President Trump to the Supreme Court of the United States and have advocated for packing the Court with additional justices appointed by a future Democrat president;

Whereas, in 1983 during a Senate Judiciary Committee hearing, then-Senator Joe Biden noted that Court packing was a "bonehead idea" and "a terrible, terrible mistake" that "put in question for an entire decade the independence of the most significant body—including the Congress, in my view—the most significant body in this country, the



Supreme Court of the United States of America”;

Whereas, in 2005 during a speech on the Senate floor, then-Senator Joe Biden praised members of the Democrat Party for their “act of courage” in opposing the Court-packing plan of President Roosevelt, which he described as a “power grab”;

Whereas, in 2019, the late Justice Ruth Bader Ginsburg stated, “I think it was a bad idea when President Franklin Roosevelt tried to pack the Court”, and that “if anything would make the Court look partisan, it would be that”;

Whereas the Constitution of the United States is based on the principle of separation of powers to provide for checks and balances on each branch of the Federal Government and expanding the Supreme Court of the United States purely for political advantage threatens the separation of powers and the system of checks and balances established in the Constitution of the United States;

Whereas the Federal judiciary is insulated from political influence through lifetime appointments and other measures to preserve its independence and an attempt to expand the Supreme Court of the United States purely for political purposes threatens the independence and integrity of the Supreme Court and, thus, the entirety of the judiciary it oversees; and

Whereas any attempt to increase the number of justices of the Supreme Court of the United States or “pack the Court” would undermine the democratic institutions and destroy the credibility of the highest court in the United States: Now, therefore, be it

*Resolved*, That the Senate opposes any attempt to increase the number of justices of the Supreme Court of the United States or otherwise pack the Court.

**SENATE RESOLUTION 759—EXPRESSING THE SENSE OF THE SENATE THAT DARK MONEY UNDERMINES THE INTEGRITY OF THE JUDICIAL SYSTEM AND DAMAGES THE PERCEPTION THAT ALL PEOPLE RECEIVE EQUAL JUSTICE UNDER LAW**

Mr. WHITEHOUSE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 759

Whereas dark money organizations, funded by anonymous donors, have played an out-

sized role in the selection of judges and justices of the Supreme Court of the United States (referred to in this preamble as the “Supreme Court”) under President Trump and spent millions of anonymous dollars on advertising campaigns supporting those selections;

Whereas the people of the United States have no idea who is funding these campaigns and what business the funders might have before the courts;

Whereas, under President Trump, the Federalist Society for Law and Public Policy Studies (referred to in this preamble as the “Federalist Society”) has played a central role in the selection of President Trump’s judicial nominees, including his 3 nominees to the Supreme Court, for example—

(1) in 2016, then-candidate Trump said that all of his judicial selections would “be hand-picked by the Federalist Society”;

(2) in 2017, then-White House Counsel Don McGahn boasted that the judicial selection process had been “in-sourced” to the Federalist Society;

(3) Leonard Leo, the Co-Chairman of the Federalist Society, twice took a leave of absence from the Federalist Society to work in the White House and advise President Trump on his Supreme Court nominations;

(4) approximately 86 percent of President Trump’s Supreme Court and appellate court nominees have been members of the Federalist Society; and

(5) Judge Amy Coney Barret has spoken at 26 Federalist Society events since 2014 and, at the time of his confirmation in 2018, Justice Brett Kavanaugh had spoken at over 50 Federalist Society events;

Whereas the Washington Post reported that Leonard Leo has helped raise \$250,000,000 from mostly anonymous donors to promote conservative legal causes and judges;

Whereas groups engaged in these activities do not disclose their funders, meaning the people of the United States have no idea who is behind this sophisticated operation to influence the selection of judges and justices;

Whereas dark money groups like the Judicial Crisis Network (referred to in the preamble as “JCN”) have helped shape the composition of the Supreme Court by spending tens of millions of anonymous dollars on advertising campaigns opposing or supporting Supreme Court nominees, specifically—

(1) JCN spent \$7,000,000 to block President Obama’s nomination of Judge Merrick Garland to be an Associate Justice of the Supreme Court in 2016;

(2) JCN pledged to spend \$10,000,000 to support President Trump’s nomination of then-Judge Neil Gorsuch to be an Associate Justice of the Supreme Court in 2017;

(3) JCN also spent \$10,000,000 to support President Trump’s nomination of then-Judge Brett Kavanaugh to be an Associate Justice of the Supreme Court in 2018; and

(4) JCN has pledged to spend \$10,000,000 to support President Trump’s nomination of Judge Amy Coney Barrett to be an Associate Justice of the Supreme Court;

Whereas JCN is a dark money organization and does not disclose its funders to the people of the United States;

Whereas JCN has received multiple massive contributions from the anonymous donors, specifically—

(1) a \$15,881,000 anonymous contribution in tax year 2018;

(2) a \$17,100,000 anonymous contribution in tax year 2017;

(3) a \$21,464,995 anonymous contribution in tax year 2016; and

(4) a \$17,920,000 anonymous contribution in tax year 2015; and

Whereas the American people have no idea who made these massive contributions and what business the contributors might have before the courts: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) fair and impartial courts are a bedrock of American democracy and crucial to maintaining the faith of the people of the United States in the justice system;

(2) this massive dark money operation to influence the selection and confirmation of judges and justices creates significant conflict of interest concerns for the judiciary and undermines the integrity of the courts and the justice system; and

(3) the people of the United States deserve to know who is behind this massive dark money campaign to capture the courts.

**RECESS UNTIL TOMORROW**

Mr. MCCONNELL. Mr. President, I move to recess.

The PRESIDING OFFICER. The question is on the motion.

The motion is agreed to.

Thereupon, the Senate, at 5:02 p.m., stands in recess until Sunday, October 25, 2020, at 12 noon.

# Daily Digest

## Senate

### *Chamber Action*

*Routine Proceedings, pages S6419–S6448*

**Measures Introduced:** Two resolutions were introduced, as follows: S. Res. 758–759. **Page S6447**

**Barrett Nomination:** Senate continued consideration of the nomination of Amy Coney Barrett, of Indiana, to be an Associate Justice of the Supreme Court of the United States. **Pages S6419–47**

**Additional Cosponsors:** **Page S6447**

**Statements on Introduced Bills/Resolutions:**  
**Pages S6447–48**

### **Additional Statements:**

**Recess:** Senate convened at 12 noon and recessed at 5:02 p.m., until 12 noon on Sunday, October 25, 2020, after agreeing to the motion to recess. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6448.)

### *Committee Meetings*

*(Committees not listed did not meet)*

No committee meetings were held.

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## House of Representatives

### *Chamber Action*

The House was not in session today. The House is scheduled to meet at 10 a.m. on Tuesday, October 27, 2020.

### *Committee Meetings*

No hearings were held.

### *Joint Meetings*

No joint committee meetings were held.

### **COMMITTEE MEETINGS FOR SUNDAY, OCTOBER 25, 2020**

*(Committee meetings are open unless otherwise indicated)*

#### **Senate**

No meetings/hearings scheduled.

#### **House**

No hearings are scheduled.

*Next Meeting of the SENATE*

12 noon, Sunday, October 25

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10:00 a.m., Tuesday, October 27

## Senate Chamber

**Program for Sunday:** Senate will continue consideration of the nomination of Amy Coney Barrett, of Indiana, to be an Associate Justice of the Supreme Court of the United States, and vote on or in relation to the motion to invoke cloture on the nomination at approximately 1 p.m.

## House Chamber

**Program for Tuesday:** House will meet in Pro Forma session at 10 a.m.



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